FEDERAL REGISTER

VOLUME 8 NUMBER 155

Washington, Friday, August 6, 1943

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

REDUCTIONS IN FORCE

Sec.

AUTHORITY: §§ 12.301 to 12.313, inclusive, issued under authority of sec. 1 of E.O. 9063, 7 F.R. 1075.

§ 12.301 *Coverage.* The following reduction in force procedure is promulgated for use whenever one or more employees in positions within the jurisdiction of the Commission are to be involuntarily separated or furloughed in excess of 90 days as a result of decrease or stoppage of work or funds, change in working conditions, abolition of positions, consolidation or reorganization of functions or organization structure, or upon orders of the Bureau of the Budget.

§ 12.302 *Transfers.* Whenever a department or agency in the executive branch of the government service finds that a reduction in force is necessary, the Commission shall be notified in writing immediately. Heads of departments and agencies in Washington, D. C., and vicinity shall notify the Commission's central office in Washington, D. C., of all anticipated reductions in force, departmental and field, specifying the locations where they are to be made and the probable number at each location. Heads of agencies and activities outside of Washington, D. C., and vicinity shall report anticipated reductions to the appropriate regional offices of the Commission. Representatives of the Commission will thereupon work with designated representatives of the department or agency concerned in transferring employees who are declared available to other departments and agencies whenever their services are needed and they can be effectively utilized by other departments or agencies.

Except where a reduction in force involves all employees in all classes in an organizational unit designated as a separate group for reduction in force purposes, departments and agencies shall proceed with the reduction in force procedures prescribed in the following paragraphs simultaneously with this transfer activity.

§ 12.303 *Organization unit and class.* The head of each department or establishment shall determine the organization units and classes in which the contemplated reduction in force is to be made. Organization units designated as separate groups for reduction in force purposes shall be materially distinct from each other in work functions or in geographical location and shall be organized and operated as separate entities with clearly separable staffs of employees. Ordinarily, organization units located within the same local commuting area shall not be considered to be materially distinct from each other in geographical location. The organization unit designated as a separate group for reduction in force purposes shall be as large and have as wide coverage as is administratively feasible. Consideration shall be given to making organization units correspond with the organizational jurisdiction of efficiency rating committees. Within the determined organization unit, the class in which the contemplated reduction in force is to be made shall include all positions allocated to the same class, service, and grade, and all positions of the same grade (although designated by another title) that are sufficiently alike that intertransfer of personnel is feasible. In ungraded positions, the class shall include all positions in an occupational level.

§ 12.304 *Categories of tenure.* Within the organization unit and class, the fol-

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REGULATIONS AND NOTICES

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lowing categories of tenure constitute separate groups for reduction in force purposes, consideration being given to the categories in the following order:

(a) All employees serving under temporary appointment limited to a specific period of time of one year or less.

(b) All employees serving probational or trial periods in their present positions, not including those who served previously with a classified (competitive) civil service status.

(c) All employees who have completed probational or trial periods or an equivalent thereof but who do not have a classified (competitive) civil service status. (Until required appointment forms have been submitted to the Commission, employees who have completed probational periods shall not be considered as having a civil service status. The fact that the character investigation has not been completed will not prevent considering the probational period to be completed for status purposes if all other requirements have been met.)

(d) All employees serving under any type of appointment, except temporary, who have classified (competitive) civil service status in their present positions or who served previously with a classified (competitive) civil service status. (When there is doubt as to the civil service status of an employee, the Commission should be consulted.)

An employee in a lower category of tenure may be retained in preference to an employee in a higher category of tenure if the position is to be retained and its duties cannot be acceptably performed after a reasonable preliminary training period by any available employee who would be affected by reason of the retention.

Seasonal employees shall be considered in competition only with other seasonal employees in the same class of work. Reduction in force within this group shall be effected in the order of the categories of tenure.

Temporary employees and probation or trial period employees may be considered according to regulations controlling their appointment and status without regard to reduction in force procedures at the discretion of the head of the department or agency: *Provided*, That employees in the other categories of tenure are not affected thereby.

§ 12.305 *Order within category of tenure.* With respect to employees whose performance is evaluated under an efficiency rating system, the order of reduction in force within each category of tenure shall be:

(a) Employees without military preference who have "Fair" efficiency ratings, in order of reduction credits.

(b) Employees with military preference who have "Fair" efficiency ratings, in order of reduction credits.

(c) Employees without military preference who have efficiency ratings of "Good" or better, in order of reduction credits.

(d) Employees with military preference who have efficiency ratings of "Good" or better, in order of reduction credits.

Reduction credits shall be computed by giving a numerical value of 80 for a "Good" efficiency rating, 88 for a "Very Good" efficiency rating, and 96 for an "Excellent" efficiency rating, and adding one credit for each full year of service with the Federal government. No numerical value shall be given for a "Fair" efficiency rating, but one reduction credit shall be given for each full year of service with the Federal government.

With respect to all employees whose performance must be evaluated under the uniform efficiency rating system approved by the Commission, the current efficiency rating shall be used. In the event an employee does not have a current efficiency rating based on performance in a position of the class in which reduction in force is being made

and the reduction of force does not affect all employees in the category of tenure in which he falls, such employee shall be given a special efficiency rating in accordance with the regular procedure and his order in the reduction in force shall be determined accordingly. Such cases will be particularly noted in the reduction in force list by placing after their names in the remarks column the words "Special rating" followed by a statement of the number of days of service on which the rating is based.

With respect to employees whose performance is not required to be evaluated under a uniform system of efficiency ratings approved by the Commission but who are rated under an efficiency rating system approved by administrative authority, the foregoing rules shall be applied in so far as they are applicable. Reduction credits shall be given and the order of separation determined on the basis of ratings construed under the following efficiency rating definitions:

"Fair"—performance that conforms generally to that reasonably required with certain deficient performance not compensated by other outstanding performance.

"Good"—performance that conforms generally to that reasonably required with deficient performance in any phase compensated by outstanding performance in other phases.

"Very Good"—performance that is distinctly better than that reasonably required in most of the especially important phases provided no deficient performance is present in any phase.

"Excellent"—performance that is distinctly better than that reasonably required in all especially important phases provided no deficient performance is present in any phase.

Where there is no efficiency rating system in general use, or where the efficiency rating system cannot be adapted to the efficiency rating adjectives as defined above, separations in each category of tenure shall be determined on the basis of military preference and reduction credits, one credit for each full year of service with the federal government, those with the lowest number of reduction credits in the nonmilitary preference group to be selected first for separation.

An employee may be retained in preference to another employee who is higher in the order of reduction of force if the position is to be retained and its duties cannot be acceptably performed after a reasonable preliminary training period by any available employee who would be affected by reason of the retention.

No credits shall be allowed for dependency, official conduct, or like factors; but they shall be considered when two or more employees are tied for position in the order of reduction in force and one or more but not all employees so tied for position are to be affected.

§ 12.306 *Military preference.* It is incumbent upon the official charged with making a reduction in force to ascertain which among the employees affected are entitled to military preference. Such employees as are entitled to military preference but who have not furnished the necessary proof should be given opportunity to establish their claim to military preference before the reduction in force takes place.

§ 12.307 *Length of service.* Only full years of service shall be considered in the ultimate total; fractions of a year are to be counted in the periods of service that add up to the total service. The length of service shall be the total of all periods of service that are eligible for consideration for retirement purposes, without regard to whether the employee is or will be eligible to receive retirement benefits.

§ 12.308 *Preparation of reduction in force list.* The reduction in force list will be prepared in triplicate on any convenient form and will list employees in each organization unit and class in which the reduction in force is to be made (1) in accordance with the categories of tenure, and (2) in the order in which selections are to be made. The highest category of tenure shall be at the head of the list and names shall be so arranged that those first to be selected for action shall be at the bottom of the list.

The reduction in force list need give complete information only for all employees in the highest category of tenure affected. For all employees in the lower categories of tenure, the list shall show (1) the name of the employee, (2) the class title of the position occupied if different from the class title shown in the heading (supplemented in parentheses, where necessary, by the customary office title), and (3) the action to be taken. However, if any employee in a lower category of tenure is to be retained or is to be demoted to a position of a lower grade (or occupational level) rather than separated, the list must give full information for all employees from the lowest category of tenure in which this occurs to the highest category of tenure affected, inclusive. The reduction in force list shall contain:

(a) *The heading.* The heading will identify the department, bureau, division, organization unit, and class in which the reduction in force is being made.

(b) *The list.* The list, identified by the appropriate category of tenure, will contain the following information:

1. Name of employee. Names should be listed in the order of selection, with the first name to be selected at the bottom of the list.

2. Class title of position occupied by employee if different from the class title shown in the heading (supplemented in parenthesis, where necessary, by the customary office title).

3. Salary rate.

4. Statement whether employee is entitled to military preference. No entry need be made for employees not entitled to military preference.

5. Efficiency rating (adjective rating only; the numerical rating, if any, is not considered).

6. Length of service (total years of federal government service).

7. Reduction credits.

8. Action to be taken. Enter the letter "S" if employee is to be separated, "F" if employee is to be furloughed, the letter "D" if to be demoted to a position of lower grade (or occupational level). If no reduction in force action is to be taken but the salary of the employee is to be reduced, enter the letter "R". If the employee is to be retained in preference to other employees, enter an asterisk (*). Any convenient code may be used to indicate other changes if explained on the form.

9. A "Remarks" column or space for brief explanations or reference to footnotes or separate memoranda regarding basis for breaking ties when necessary, retention in preference to other employees, special efficiency rating, or any other matter which may be pertinent.

(c) *The certificate.* The reduction in force list shall bear substantially the following certificate by the head of the department or some person authorized to act for him:

I certify that the foregoing list contains the names of all employees holding positions in the organization unit and class in which a reduction in force is contemplated who are in the categories of tenure affected by such reduction in force; that, to the best of my knowledge and belief, the efficiency ratings are fair and just, and that the foregoing list is correct and in accordance with the procedure prescribed for reduction in force.

The actions proposed above are to be effective upon the expiration of accrued leave after the last day of active duty which will be _____, 19____, unless otherwise indicated in the "Remarks" column. The employees affected were notified of the proposed actions on _____, 19____.

_____
Date

(Signed) _____
Title

§ 12.309 *Separations; demotions; furloughs.* Heads of departments and independent establishments shall determine whether employees affected by reductions in force shall be separated, demoted, or furloughed, in accordance with the following rules:

(a) Where the reduction in force is permanent, as nearly as can reasonably be determined administratively, the affected employees shall be separated unless they have restoration rights to lower-grade positions or unless there is an administrative policy to demote employees in higher-grade positions to lower-grade positions and make separations in lower-grade positions, in either of which cases they may be demoted. No employee entitled to military preference shall be separated instead of being demoted if any other employee of lower standing on the reduction in force list is demoted unless such employee has restoration rights to the lower-grade position or unless it can be demonstrated as a matter of fact that the employee entitled to military preference could not perform the duties of the lower-grade position within a reasonable training period.

(b) Employees may be furloughed if the reduction in force is the result of a temporary condition that will exist for less than one year. The furlough period shall be one year or the period of tenure determined by the type and restrictions of appointment, whichever is less. While on furlough, employees shall have preferential rights to recall to duty over persons who may be considered for original

appointment to positions of the class and organization unit from which furloughed, in the inverse order of furlough ranking. Employees who are not recalled to duty within the furlough period shall be separated from the service.

These provisions shall not disturb any other reinstatement or reemployment list rights that employees may otherwise have. This procedure shall not be interpreted to conflict with any statutory provisions relating to restoration rights after return from military service.

§ 12.310 *Notice to employees.* Each employee affected by a reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Wherever possible, the notice should be given 30 days before the employee is relieved from active duty. Whenever appropriated funds can be made available to pay for accrued leave, employees affected by reductions in force shall have at least 30 days' notice before they are separated from a pay status and shall be carried in a pay status for such additional period as is necessary to exhaust accrued leave. In no case shall an employee be separated as a result of a reduction in force without 30 days' notice in advance of such separation.

In addition to the nature of the action and the date of termination of active duty, the notice shall inform the employee:

(a) Of his right to be continued in a pay status until accrued leave is exhausted.

(b) Of his right to appeal the proposed action to the Commission (Washington employees to the Central Office and others to the appropriate regional office) within 5 days from the receipt of the notice.

(c) Of any restoration or reemployment list rights he may have, and of the procedure and departmental or field channels through which the employee may apply for other government employment.

§ 12.311 *Submission of reduction in force list to the Commission.* As soon as employees are notified of the proposed action, two signed copies of the reduction in force list shall be transmitted to the appropriate office of the Commission (Central Office in the case of employees in Washington and vicinity, and regional offices in the case of employees stationed outside of Washington and vicinity). Actions may be made effective on the date indicated on the reduction in force list without the prior approval of the Commission but subject to a postaudit in the Commission's discretion, and subject to appeal to the Commission by any employee who feels that there has been a violation of his rights under military preference laws or these regulations. Appeals from employees must be submitted to the Commission in writing within 5 days from the receipt of notice of the proposed action. Any department or establishment desiring to do so may request the Commission to preaudit and approve the reduction in force list before proposed actions have been made effective. In so far as possible, the Commission will assist departments and establishments in planning the preparation of reduction in force lists upon request.

Whenever a department or establishment determines to separate, demote, or furlough employees whose names, with complete information, have already appeared on a reduction in force list that has been certified to the Commission during the same efficiency rating period in connection with action on other cases, it shall be necessary only for the department or establishment to report such cases to the Commission, referring to the list on which the ratings appear, and certifying as to the notices to employees.

§ 12.312 *Effect of decisions on postaudits and appeals.* Whenever the Commission, in acting upon the appeal of an employee or as a result of a postaudit, disapproves the separation of an employee under these regulations, if the employee is still carried on the rolls of the department or agency shall cancel the leave, or nonpay status, the head of such department or agency shall cancel the notice of separation. In such a case, where the employee has been relieved from active duty, he shall be restored to active duty. If the employee has been separated from the service before the department or agency is advised of the disapproval of the action by the Commission, the head of such department or agency shall promptly restore the employee to the position from which separated whenever such action can be accomplished under the law and regulations and in the public interest. In the case of the disapproval of a demotion, the employee shall be restored to the position from which he was demoted. In the case of the disapproval of a furlough in excess of 90 days, the employee shall be restored to active duty immediately, if the furlough has been in effect for 90 days, or within 91 days of the time he entered a nonpay status if the furlough has not been in effect for 90 days. If additional separations, demotions, or furloughs in excess of 90 days are necessary as a result of cases disapproved by the Commission, they shall be made in accordance with reduction in force procedures. With respect to reductions of force outside of Washington, D. C., and vicinity, the decision of the Commission's Regional Director is the decision of the Commission on appeals and postaudits.

§ 12.313 *Prior reduction in force regulations superseded.* Effective immediately, these regulations supersede all rules, regulations, or interpretations, or any parts of them, which are inconsistent with the procedure contained herein.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JULY 31, 1943.

[F. R. Doc. 43-12736; Filed, August 5, 1943; 11:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-14]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.403 (c) is amended to read as follows:

§ 701.403 *Production adjustment allowance and deductions.* * * *

(c) *Deductions for exceeding allotments.* Deductions for exceeding allotments shall be made from the remainder of the farm production adjustment allowance after any deduction provided for in paragraph (b) above has been made. If the deductions for exceeding allotments are in excess of the remainder of the farm production adjustment allowance, each person's share of the excess after proration of net deductions shall be deducted from such person's share in the production adjustment payment for any other farm in the county, and may be deducted from such person's share of the production adjustment payment for any other farm in the State, if the State committee finds that the crops grown on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms. These deductions shall be determined as follows:

(1) *Tobacco*—(i) *Farms on which county committee determines that any crop has been destroyed or planting interfered with by flood.* No deduction.

(ii) *Other farms.* Ten times the payment rate for each acre planted to cigar filler (type 41), cigar filler and binder (except types 41 and 45) and Georgia-Florida (type 62) tobacco in excess of the applicable allotment and for each acre planted to Burley, flue-cured, dark air-cured, and fire-cured tobacco in excess of the applicable allotment plus the larger of .1 of an acre or 5 percent of the allotment, except that no deduction will be made for dark air-cured or fire-cured tobacco if an amount of such tobacco equivalent to the production of the acreage otherwise subject to deduction is delivered to an agency designated by the Food Distribution Administration for diversion to nicotine.

2. Section 701.406 (a) (1) is amended by inserting immediately following the first proviso thereof, the following:

§ 701.406 *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and Irish potato and truck*

crop payments. (1) * * * *Provided further,* That if for any reason the total acreage of cotton on a farm in 1943 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1943 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1943, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1943:

3. Section 701.411 (e), the second paragraph thereof, is amended to read as follows:

§ 701.411 *General provisions relating to payments.* * * *

(e) *Excess cotton acreage.* * * *

Any person who knowingly plants cotton or causes cotton to be planted on a farm in 1943 in excess of 110 percent of the 1943 farm cotton allotment shall not be eligible for payment on any farm except a farm on which the county committee determines that planting has been interfered with by flood in 1943 or on which a substantial part of any crop has been destroyed or damaged by flood or insects in 1943 so that abandonment or replanting is necessary, and the overplanting of cotton on any farm so affected by flood or insects shall not cause a person to become ineligible for payments on other farms. No person shall be deemed to have knowingly overplanted cotton on a farm if the acreage planted to cotton on the farm in 1943 does not exceed 110 percent of the farm cotton allotment by more than the larger of three acres or three percent. Otherwise, he shall be presumed to have knowingly overplanted cotton on the farm if notice of the farm cotton allotment is mailed to him prior to the completion of the planting of cotton on the farm and he fails to establish the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1943.

Done at Washington, D. C., this 4th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12732; Filed, August 5, 1943; 11:41 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial 281]

AIR TRAFFIC RULES: SPECIAL CIVIL AIR REGULATION

AUTHORIZATION OF RIGHT-HAND TURN IN TRAFFIC PATTERN AT MUNICIPAL AIRPORT, BURLINGTON, VT.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of August 1943.

The following special civil air regulation is made and promulgated to become effective August 2, 1943:

Regulation Serial Number 260 is hereby amended by adding subparagraph (e) to read as follows:

(e) *Municipal Airport, Burlington, Vermont.* All turns by aircraft approaching for a landing or after take off to the north, southeast, and west shall be made to the right.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12687; Filed, August 5, 1943; 9:59 a. m.]

[Regulations, Serial 279]

AIR TRAFFIC RULES: SPECIAL CIVIL AIR REGULATION

AIRCRAFT POSITION LIGHTS

The caption of F.R. Doc. 43-12350 appearing on page 10653 of the issue for Saturday, July 31, 1943, should read as set forth above.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-372]

PEERLESS STEEL EQUIPMENT CO.

Peerless Steel Equipment Company, Philadelphia, Pennsylvania, is a corporation engaged in the manufacture of filing cabinets, furniture and furnishings principally for equipment for vessels. Subsequent to June 1, 1942 the company manufactured and assembled 9,324 wooden, four-drawer filing cases containing more than two pounds per drawer of essential operating steel hardware. This item is a Group III product, as defined in Supplementary Limitation Order L-13-a, and its manufacture and assembly are prohibited by said order. At the time the company manufactured and assembled these filing cases, as aforesaid, they had knowledge of the provisions of Supplementary Limitation Order L-13-a, but nevertheless used steel in excess of the permitted amount, because they found it advantageous to them to do so. Such conduct was deliberate and wilful.

This violation of Supplementary Limitation Order L-13-a has hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.372 *Suspension Order No. S-372.* (a) Peerless Steel Equipment Company, its successors and assigns, are hereby prohibited from manufacturing, assembling, producing or selling any filing cases made of any materials, for a period of six (6) months from the effective date of this order, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Peerless Steel Equipment Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 5, 1943, and expire on February 5, 1944, after which latter date it shall have no further force and effect.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12727; Filed, August 5, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-374]

PEERLESS ALLOY CO.

Peerless Alloy Company, a corporation, of 1445 Osage Street, Denver, Colorado, is engaged in the business of smelting, refining and alloying tin and tin products. Between April 1, 1942 and November 15, 1942, it delivered 9663 pounds of tin to customers which had not furnished it with certificates as required by General Preference Order M-43, as amended. Between April 29, 1942 and December 8, 1942, it sold and delivered to Wensley Metal Products Company over 90,000 pounds of solder having a tin content of more than 16 per cent by weight, without receiving therefor any preference rated orders or certificates, as required by Amendment No. 2 to General Preference Order M-43, dated April 10, 1942. At the time of these transactions Peerless Alloy Company had knowledge of the provisions of General Preference Order M-43, and these unauthorized deliveries of tin and tin products were so grossly negligent as to constitute wilful violations of the order.

These violations have hampered and impeded the war effort of the United States by distributing scarce materials in a manner unauthorized by the War

Production Board. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.374 *Suspension Order No. S–374.* (a) Peerless Alloy Company, its successors and assigns, shall not purchase, accept delivery of, sell, deliver, process or otherwise deal in tin, as defined in General Preference Order M–43, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Peerless Alloy Company, its successors or assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocation shall be made to Peerless Alloy Company, its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) The provisions of this order shall not apply to the purchase, use, manufacture, sale or delivery by Peerless Alloy Company of tin for end use in "implements of War", as defined in Geneneral Preference Order M–43, but in all such cases the Company shall, as a condition precedent to delivery, secure from its purchasers a written statement to the effect that the tin is to be used in the manufacture of, or incorporated into, "implements of war".

(e) Nothing contained in this order shall be deemed to relieve Peerless Alloy Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on August 5, 1943, and shall expire on November 5, 1943.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12728; Filed, August 5, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–375]

WENSLEY METAL PRODUCTS CO.

Wensley Metal Products Company, a corporation, of 1445 Osage Street, Denver, Colorado, is engaged in the business of extruding, manufacturing and selling metal pipe and tin products. From April 16, 1942, through October 30, 1942, it violated General Preference Order M–43, by selling and delivering 7594 lbs. of solder having a tin content of more than 16 per cent by weight, on orders which bore no preference ratings, and which were not otherwise permitted. Wensley Metal Products Company had knowledge of the provisions of General Preference Order M–43, and these unauthorized deliveries of solder were made with such gross negligence as to constitute wilful violations of said order.

These violations have hampered and impeded the war effort of the United States by distributing scarce materials in a manner unauthorized by the War Production Board, and also diverting them to unauthorized uses. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.375 *Suspension Order No. S–375.* (a) Wensley Metal Products Company, its successors and assigns, shall not purchase, accept delivery of, sell, deliver, process or otherwise deal in tin, as defined in General Preference Order No. M–43, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to Wensley Metal Products Company, its successors or assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocation shall be made to Wensley Metal Products Company, its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) The provisions of this order shall not apply to the purchase, use, sale or delivery by Wensley Metal Products Company of tin for end use in "implements of war", as defined in General Preference Order M–43, but in all such cases the company shall, as a condition precedent to delivery, secure from its purchasers a written statement to the effect that the tin is to be used in the manufacture of, or incorporated into, "implements of war".

(e) Nothing contained in this order shall be deemed to relieve Wensley Metal Products Company, its successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on August 5, 1943, and shall expire on November 5, 1943.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12729; Filed, August 5, 1943; 11:38 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amdt. 1 to General Imports Order M–63 as Amended June 28, 1943]

Section 1042.1 *General Imports Order M–63 as amended* is hereby amended by making the following changes in List I, List II, and List III:

Change	Material	Commerce Import Class Number	Governing Date
Add to List I	Emetine and salts thereof	N. S. C.	8/5/43
Add to List II	Agave fibers, unmanufactured, not elsewhere specified on this order (including flume tow and bagasse waste)	N. S. C.	8/5/43
	Leather luggage and related articles (including suitcases, valises, satchels, traveling and overnight bags, hat boxes, trunks, and other luggage; and boxes, caskets, chests, baskets, rolls, brief cases, and other cases, except hand bags, and flat leather goods)	0691.300 0691.400 0691.600 0691.800	8/5/43 8/5/43 8/5/43 8/5/43
	Paper pulp or paper making machines, n. s. p. f., and parts thereof	7800.830	8/5/43
Add to List III	Agave fiber processors' mill waste (including sisal and henequen processors' mill waste)	N. S. C.	8/5/43
	Celery seeds	1525.000	8/5/43
	Glue stock, not elsewhere specified	0930.900	8/5/43
	Paprika, ground or unground	1523.100	8/5/43
	Pearl shells or mother-of-pearl shells, unmanufactured	0961.000	8/5/43
	Pimientos, packed in brine or oil, or prepared or preserved	1244.000	8/5/43
Remove from List III	Sisal and henequen processors' mill waste	N. S. C.	4/28/43

Issued this 5th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12730; Filed, August 5, 1943; 11:37 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M–63–a, as Amended Aug. 5, 1943]

Pursuant to General Imports Order M–63, as amended, which this order supplements, *It is hereby ordered,* That:

§ 1042.2 *Supplemental General Imports Order M–63–a.* Until further order of the War Production Board, the provisions of General Imports Order M–63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway from, Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

Issued this 5th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: "Agave fiber xxx," "Bones, crude," and "Cod xxx" added, "Sisal and henequen xxx" amended August 5, 1943.

Material:	*Commerce import Class No.*	*Effective date*
Agave fiber processors' mill waste (including sisal and henequen processors' mill waste)	N. S. C.	Aug. 5, 1943
Bones, crude	0911.200	Aug. 5, 1943
Bottle caps, collapsible tubes, and sprinkler tops of metal, including foil bottle caps (except screw caps and patented closures)	6790.010	May 14, 1943
	6790.020	May 14, 1943
Canary seed	2452.000	Dec. 14, 1942
Chicle, crude and refined or advanced	2131.000	Dec. 14, 1942
	2189.300	Dec. 14, 1942
Chickpeas and garbanzos, dried	1200.000	Mar. 5, 1943
Cod, haddock, hake, pollock, and cusk, pickled or salted (not in oil, etc., and not in airtight containers, weighing, with contents, not over 15 pounds each)	0069.000	Aug. 5, 1943
	0069.200	Aug. 5, 1943
	0069.900	Aug. 5, 1943
Coffee: raw or green	1511.000	Mar. 5, 1943
roasted or processed	1511.100	Mar. 5, 1943
Hairpins of base metal, not plated with gold or silver, not jewelry (including bobby pins)	6790.350	May 14, 1943
Molasses and sugar sirup, edible and inedible	1630.480–1640.000 inclusive	Dec. 14, 1942
Oil cake and oil cake meal:		
Coconut or copra	1111.000	Mar. 5, 1943
Soybean	1112.000	Mar. 5, 1943
Cottonseed	1114.000	Dec. 14, 1942
Linseed	1115.000	Mar. 5, 1943
Peanut	1119.600	Dec. 14, 1942
Hempseed	1119.700	Dec. 14, 1942
Other, n. s. p. f.	1119.900	Dec. 14, 1942
Sansevieria fiber	N. S. C.	June 28, 1943
Sansevieria manufactures (including all products in whole or in part of sansevieria)	N. S. C.	June 28, 1943
Sesame seed	2234.000	Nov. 26, 1942
Syrups and extracts for use in the manufacture of beverages, if transported in railway tank cars	N. S. C.	April 28, 1943

[F. R. Doc. 43-12731; Filed, August 5, 1943; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1 C]

MILEAGE RATIONING: TIRE REGULATIONS FOR THE VIRGIN ISLANDS

Preamble: This Ration Order No. 1 C for the Virgin Islands is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's special Committee to study the rubber situation.

The Committee's report states:

> We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't. . . . Only actual needs, not fancied wants, can or should be satisfied."

This order has been geared to the Gasoline Regulations for the Virgin Islands (Ration Order No. 8) and puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles.
3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour. . . .
4. Compulsory periodic tire inspection.

The mileage rationing. Tire regulations (Ration Order 1 C) control the use, care and acquisition of tires, tubes and recapping services for all types and classes of rubber borne motor vehicles and are adjusted to conform to local transportation conditions in the Virgin Islands.

§ 1315.15 *Mileage rationing: tire regulations for the Virgin Islands.* Under the authority vested in the Office of Price Administration and the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1–J as amended, issued October 27, 1942, this Ration Order No. 1 C (Mileage Rationing: Tire Regulations for the Virgin Islands) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: Section 1315.15 issued under Pub. Law 671, 76th Congress, as amended by Public Law 89, 77th Congress and by Public Law 507, 77th Congress, Public Law No. 421 and 729, 77th Congress; Executive Order 9125, 7 F.R. 2719, issued April 7, 1942, WPB Directive No. 1, issued January 24, 1942, Supp. Directive No. 1–J as amended, issued October 27, 1942.

RATION ORDER NO. 1 C—MILEAGE RATIONING: TIRE REGULATIONS FOR THE VIRGIN ISLANDS

ARTICLE I—SCOPE OF RATION ORDER NO. 1 C

ARTICLE II—DEFINITIONS

ARTICLE III—ADMINISTRATION, JURISDICTION AND QUOTA

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

ARTICLE V—APPLICATIONS AND CERTIFICATES

ARTICLE VI—PERIODIC INSPECTION AND DECLARATION OF TIRES

ARTICLE VII—PROHIBITED AND PERMITTED TRANSACTIONS

ARTICLE VIII—OTHER PROHIBITED ACTS

ARTICLE IX—RECORDS AND REPORTS

Article I—Scope of Ration Order No. 1 C

SECTION 1.1 *Territorial limitations.* Ration Order No. 1 C shall apply to the Virgin Islands.

SEC. 1.2 *Effect on other ration orders.* Ration Order No. 1 C shall not be construed to permit any act which would be in violation of any other ration order issued by the Office of Price Administration.

Article II—Definitions

SEC. 2.1 *Definitions.* (a) For the purpose of this Ration Order No. 1 C:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Bus" means any motor vehicle, other than a station wagon or suburban carryall, built or rebuilt primarily for the purpose of carrying passengers, licensed by a municipality of the Virgin Islands to carry passengers for hire, and having a rated seating capacity of eight or more persons.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate" unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire, tube or recapping service.

(6) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(7) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes or camelback.

(8) "Director" means the Director of the Office of Price Administration for the Virgin Islands.

(9) "Grade I", as applied to tires, means a new passenger type tire other than a Grade III tire.

(10) "Grade III", as applied to tires, means a passenger-type tire which is either a used or recapped tire or a new tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(11) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(12) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes, or camelback.

(13) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(14) "Passenger automobile" means any motor vehicle, (other than an ambulance, hearse or taxicab), built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including any motorcycle, station wagon or suburban carryall.

(15) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(16) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(17) "Person" means any individual, partnership, corporation, association, government, government agency, or subdivision, or any other organized group or enterprise.

(18) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(19) "Recapping service" means the recapping of a certificate holder's tire, or the transfer by a dealer or manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(20) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(21) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(22) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger automobile, bus, truck or farm implement.

(23) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment and hypothecation.

(24) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(25) "Tube" means any rubber type capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(26) "Truck" means any vehicle, other than a motorcycle, built or rebuilt primarily for the purpose of transporting or hauling property or equipment.

(27) "Used", as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

Article III—Administration, Jurisdiction and Quota

SEC. 3.1 *Administration and personnel*—(a) *Personnel.* Ration Order No. 1 C shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1 C shall have such powers and duties as are herein described and as the Office of Price Administration has delegated, and may from time to time delegate.

(b) *Self interest shall disqualify official.* No person participating in the administration of Ration Order No. 1 C shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 3.2 *Jurisdiction of Boards.* A board shall have jurisdiction to receive and act upon applications with respect to a vehicle normally stationed or garaged within the area served by the board.

SEC. 3.3 *Quotas*—(a) *Quota not to be exceeded by boards.* No board shall issue a certificate for the acquisition of tires, tubes, or recapping service in excess of its quota established by the Office of Price Administration.

(b) *Basis for board consideration.* If a board has before it eligible applications in excess of its quota, the board shall, in determining which of the competing applications are to be granted, be governed by the relative importance of each applicant to the war effort, public health and public safety. The board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes or recapping services are sought, and all other information which comes to its knowledge. The board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(c) *List B vehicles.* No board shall issue a certificate for a vehicle eligible under section 4.4 (b) (List B) except between the twentieth and the last day of a month. No such certificate shall be granted at any time if there is pending any application for a vehicle eligible under section 4.4 (a) (List A).

Article IV—Proof of Need and Eligibility

SEC. 4.1 *General proof of need.* No board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 4.2, 4.4, or 4.5 and in addition meets each of the following conditions:

(a) *Immediate need.* That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(1) To replace a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure replacement; or

(2) To replace a tire or tube which cannot be repaired, but not as a result of applicant's abuse; or

(3) To replace a lost or stolen tire or tube; or

(4) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(5) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(b) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. The board may consider, among other things, as evidence of tire abuse:

(1) That the vehicle for which a certificate is sought has been operated in excess of the applicable speed limit; or

(2) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for a replacement, or driving for unnecessary purposes or when other means of transportation are available.

(c) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace or recap on a vehicle which has been used for purposes other than those permitted under Ration Order No. 8 or for mileage in excess of that allowed by Ration Order No. 8.

(d) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(e) *No available tire or tube.* That the applicant, other than a Federal, Insular, municipal or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form R–17 or R–17 (revised).

(f) *Tire inspection.* That the applicant has declared all his tires upon a Tire Inspection Record; and that the applicant's Tire Inspection Record has been signed by an authorized tire inspector showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire. A board may waive the requirement that the applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the vehicle made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a Tire Inspection Record under section 6.1.

(g) *Gasoline ration.* That, if application is made to equip a passenger automobile, the applicant has a gasoline ration currently valid under Ration Order No. 8.

(h) *Condition of vehicle.* That the vehicle for which application is made is capable of operation without abuse of tires and is not in such a condition of disrepair as to prevent its operation for the purposes stated in the application.

SEC. 4.2 *Eligibility of passenger automobile*—(a) *Reconsideration of gasoline ration.* When application is made for a tire, tube, or recapping service for a passenger automobile, the board shall reconsider the applicant's gasoline ration before passing upon his application.

(b) *Redetermination of supplemental or fleet ration.* If upon reconsideration of the gasoline ration as provided in paragraph (a) of this section, the board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 8, or a ration of a class other than to which he is entitled under Ration Order No. 8, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as the basis for determining whether the applicant is entitled to a Grade I or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire, tube, or recapping service on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Total allowed gasoline mileage	Kind of tire or recapping service	Kind of tube
440 or less miles per month	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; or a Grade III tire, at applicant's option.	New or used at applicant's option.
441 miles per month or over	Recapping service with passenger-type camelback if the applicant has a recappable tire carcass, or a Grade I or Grade III tire at applicant's option.	New or used at applicant's option.
For fleet passenger automobiles for which interchangeable gasoline ration books have been currently issued.	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; or a Grade III tire, at applicant's option.	New or used at applicant's option.

Provided, That an applicant applying for a fleet passenger automobile for which an interchangeable gasoline ration book has been currently issued may receive a certificate for a Grade I tire only if he establishes that the particular vehicle will be operated 441 or more miles per month:

Provided, further, That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration issued pursuant to Ration Order No. 8 shall not be included.

(d) *Exceptions to eligibility—mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used by a licensed physician, surgeon, veterinarian, midwife, or nurse, for making necessary professional calls or rendering necessary professional services; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(2) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited by a board to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

SEC. 4.3. *Additional proof of need for truck, bus or taxicab.* In addition to meeting all the conditions of section 4.1 an applicant for a tire, tube, or recapping service for a truck, bus, or taxicab, must meet the following conditions:

(a) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping service are essential to the war effort, the public health or the public safety; and

(b) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant; and

(c) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available in the muncipality; and

(d) *No other vehicle available.* That if application is made for a vehicle eligible under section 4.4 (a) (List A), all other vehicles owned or controlled by the applicant are either eligible under section 4.4 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

SEC. 4.4 *Eligibility of truck, bus, or taxicab*—(a) *List A.* A certificate may be issued for any tire, tube, or recapping service for a truck or bus which meets the applicable conditions of sections 4.1 and 4.3, and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons; or a hearse, for the transportation of deceased persons.

(2) To transport mail on behalf of the United States Government.

(3) To maintain fire fighting services.

(4) To maintain necessary public police services, to enforce laws relating specifically to the protection of public health or property.

(5) To maintain garbage and night soil disposal, and other sanitation services.

(6) To transport passengers as part of the services rendered to the general public by a bus from which the general public may obtain service upon payment of a standard fare, if such services are

rendered along regular routes or with regular schedules. No certificate shall be issued for a bus used for sight-seeing trips or similar excursions.

(7) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(8) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available:

(i) Naval, military, or hospital establishments or facilities;

(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, or sanitation systems; or telephone, telegraph, radio, or other communication systems; or construction projects;

(iii) Industrial, extractive, or agricultural establishments essential to the war effort.

(9) Transporting the following persons: (i) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available.

(ii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(10) To transport persons by taxicab. No certificate shall be issued to any taxicab unless the operator presents to the Board a receipt of registration as a "taxicab" issued to the operator by the appropriate municipal authority, or in lieu thereof, presents such evidence as the Board may in its discretion require to satisfy it that the applicant customarily operates his vehicle as a taxicab. The Board shall refuse to grant the certificate unless the applicant can establish that his vehicle is regularly available as a taxicab to any member of the general public at an established stand or call station. A taxicab shall be eligible only for a Grade III tire unless its allowed monthly mileage, pursuant to Ration Order No. 8 exceeds 440 miles a month. No tire or tube obtained on a certificate issued under this subparagraph shall be used on any taxicab unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is conspicuously marked as a taxicab.

(iii) Does not "cruise" for the purpose of seeking fares; and

(iv) Is not used for sightseeing purposes.

(11) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(12) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice, water, milk, and fuel.

(ii) Materials and equipment for strictly essential farms, highway, industrial, or government construction, maintenance or repair.

(iii) Waste and scrap material.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for transportation of such commodities to the ultimate consumer for personal, family, or household use, or for transportation to any person other than a shipper for purposes of export of alcoholic beverages, soft drinks and similar beverages, finished tobacco products, ice cream, confections, candy, flowers, toys, novelties, jewelry, radios, phonographs, musical instruments, or any luxury goods, or for furnishing transportation for incidental maintenance service or for the purpose of repairing any such effects, equipment, furniture, or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment, except as such transportation or deliveries can be made in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from its normal route or schedule.

(b) *List B.* A certificate for any tire, tube, or recapping service may be granted for a truck which meets the applicable requirements of sections 4.1 and 4.3 and is used for any important purpose not included in section 4.4 (a) (List A), subject to the following conditions:

(1) Certificates may be granted under this paragraph to equip trucks performing functions which the board may find to be essential to the community, such as delivering milk, bread or other foods to the ultimate consumer for personal, family, or household use, and other vehicles performing services not provided for in section 4.4 (a) (List A).

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using animal-drawn vehicles.

(3) The board shall issue certificates under this paragraph only between the twentieth day and the last day of a month. No such certificate shall be granted if its issuance would exceed the applicable quota, or if there is pending any application for a vehicle eligible under section 4.4 (a) (List A) which has not been satisfied.

(c) *Trucktype camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or passenger automobile, unless the vehicle is a taxicab.

SEC. 4.5 *Eligibility of farm implement, industrial equipment and nonhighway vehicle*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of sections 4.1 and 4.3, and is designed and used as one of the following may be granted, provided tires are essential for its operation:

(1) A farm tractor or other farm implement. Tractors or combines may be issued certificates to acquire tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the board may issue a certificate for a Grade III tire.

(2) Industrial and construction equipment, other than passenger automobiles, or vehicles eligible under section 4.4.

(3) Non-highway vehicles for road grading, earth-moving, or similar off-the-road purposes.

(b) No certificate shall be issued for any vehicle regularly drawn by an animal.

(c) A certificate for a spare tire or tube may be issued for any vehicle which satisfies the conditions of this section, if the board finds that a spare tire or tube is necessary for the continued operation of the vehicle.

SEC. 4.6 *Issuance of certificates by Office of Price Administration.* (a) Certificates for tires, tubes or recapping service may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

SEC. 4.7 *Eligibility for allotment of tires and tubes*—(a) *Applicant must be a dealer.* The Director or Assistant Director may issue certificates authorizing the following persons to acquire allotments of passenger type tires and tubes:

(1) A person who was a dealer on December 31, 1942, and who filed OPA Form R–17 for the quarter ending December 31, 1942, for the establishment for which application is made;

(2) A person who intends in good faith to become a dealer may obtain an allotment of tires and tubes, if he, or a person in his employ, has had previous experience in the sale and servicing of tires, possesses the equipment and facilities necessary to inspect and service tires properly and agrees to become a tire inspector. The Director or Assistant Director may refuse the allotment if granting it will defeat or impair the effectiveness or policies of this Ration Order No. 1 C.

(b) *Amount of allotment of grade III tires.* Application for an allotment of Grade III tires shall be made on OPA Form R–54. Each applicant may be allotted a number of Grade III tires equal to forty per centum of the total number of passenger type tires sold by him during the calendar year 1941, but any applicant shall be entitled to at least six (6) Grade III tires; *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including

Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

(c) *Amount of allotment of Grade I tires.* Application for Grade I tires shall be made on OPA Form R–54. In addition, each applicant may be allotted a number of Grade I tires equal to twenty per centum of his allotment as set forth in paragraph (b) above, but any applicant shall be entitled to at least three (3) Grade I tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade I tires (including Parts B of certificates authorizing the acquisition of Grade I tires which he received in exchange for Grade I tires but upon which he has not yet obtained replenishment) as of the date of his application.

(d) *Allotment of tubes.* Each applicant authorized to acquire an allotment of passenger type tires as provided in paragraph (b) and (c) above may be granted a certificate by the Director or Assistant Director authorizing him to acquire one passenger type tube (either new or used) for each passenger type tire that he has been authorized to acquire.

(e) *One allotment only.* The Director or Assistant Director shall grant only one allotment to an applicant under paragraph (b); one allotment under paragraph (c); and one allotment under paragraph (d) for each establishment for which such allotments are sought.

(f) *Calculation of sales by dealers in business part of 1941.* In determining his allotments under this section, an applicant who was a dealer for at least one (1) month in 1941 but for less than the entire year, may calculate his annual sales of passenger type tires and tubes by multiplying by twelve (12) his average monthly sales for the time during 1941 that he was a dealer.

Article V—Applications and Certificates

SEC. 5.1 *Applications*—(a) *Who may execute and file.* Any person may file with the board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes or recapping service. Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the area served by the board. No member or employee of the board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the board, (2) facts showing need and eligibility for the tires, tubes or recapping service for which application is made; and (3) such additional information and commitments as may be required by the application or by the board.

(c) *Presentation of tire inspection record.* Any applicant for a certificate who is required to have a Tire Inspection Record shall present to the board such record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the record, the applicant shall produce Part D of a certificate authorizing the acquisition of such tire.

(d) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 5.2 *Filing of applications.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service shall be filed with the board having jurisdiction under § 3.2. A separate application must be filed on OPA Form R–1 (Revised) for each vehicle.

SEC. 5.3 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a board, until an inspector appointed and authorized by the Director has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R–1 (Revised). This paragraph shall not apply when application is made to acquire a tire or tube necessary to equip an altered or reconstructed vehicle, or a vehicle not equipped with the number of tires permitted in section 4.1 (e), or to replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact; and no inspector shall certify that a tire can be recapped or that a tube needs replacement unless he removes the tire or tube from the wheel or rim.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any other person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

Type of tire	*Maximum fee*
(1) Passenger car tires, each	$0.25
(2) Small truck tires (7.50–20 or smaller) each	.50
(3) Large truck tires (larger than 7.50–20) each	.75
(4) Aditional charge for removing inside dual truck tires (larger than 7.50–20)	.50

SEC. 5.4 *Investigation of facts by boards*—(a) *Power of the board.* Before issuing a certificate the board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the board may make inquiries and investigations and may require an applicant to appear in person or by agent at the Office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by section 4.1 (e) and which he has purchased or contracted to purchase, the board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The board must be satisfied from such an affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 5.5 *Notation of reasons for action.* Whenever the board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service shall be noted upon the application.

SEC. 5.6 *Form of certificates to be issued*—(a) *By a board.* The board may issue to an applicant who has established need and eligibility under this Ration Order No. 1 C a certificate on OPA Form R–2 (Revised) authorizing an applicant to acquire tires, tubes, or recapping service. Separate certificates shall be issued for tires and for tubes and for recapping service.

(b) *By director or assistant director.* The Director or Assistant Director may issue the following certificates to an applicant:

(1) *For allotment of tires or tubes.* OPA Form R–2 (Revised) authorizing an applicant to acquire an allotment of Grade I or Grade III tires or passenger tubes.

SEC. 5.7 *Certificates non-transferable.* No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1 C, or by the Office of Price Administration, or in exchange for tires, tubes or recapping service.

SEC. 5.8 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the board prior to issuing any certificate to fill in Parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the board to indicate on Parts C and D of the certificate the number of the board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the board, who may be either a member of the board or one of its clerks designated to act as issuing officer.

(1) The board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be

replaced is a recappable carcass, the board shall write on the certificate after the serial number of such tire "recappable carcass."

(i) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by section 4.1 (e), replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The board shall indicate on the certificate the exact number, type, grade, and size of the tires or tubes or the amount and type of recapping service which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the board shall issue the certificate by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the board is for recapping service, the board shall note on Parts A and B whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in section 4.4 (c) and shall mark Part B thereof "good for (truck or passenger-type) camelback only."

(2) If the certificate to be issued by the board is for implement tires, the board shall mark Part B thereof "good for implement or tractor tires only."

SEC. 5.9 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing board.

(b) Replaced tires or tubes to be turned in. If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, he shall within five days thereafter transfer the replaced tire or tube to a dealer. If the tire turned in is a recappable carcass, a dealer who is not a recapper shall transfer such tire to a recapper.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes or recapping service specified thereon. The same person shall sign Parts B, C and D of OPA Form R–2 (Revised) where the signature of the certificate holder is required. No member or employee of the board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C, or D of OPA Form R–2 (Revised).

SEC. 5.10 *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer shall transfer tires or tubes until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer to whom the certificate has been surrendered, shall deliver to the person indicated thereon, or to his agent, no more than the number and the exact type, grade and size of tires or tubes or the type of recapping service set forth on the certificate.

SEC. 5.11 *Splitting of certificates.* The holder of a certificate or part of a certificate who is unable to acquire from one supplier all the tires, tubes or recapping service which he has been authorized to acquire, may return the certificate to the issuing Board and the board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes or recapping service from several suppliers.

SEC. 5.12 *Revocation of certificates.* Any certificate, part of a certificate or authorization issued under Ration Order No. 1C shall be subject to revocation, cancellation, suspension, correction or modification by a board or other agent designated for this purpose by the Office of Price Administration.

SEC. 5.13 *Refusal of certificate.* If a board or other agent designated by the Office of Price Administration finds after due notice and hearing that an applicant has violated any provision of Ration Order No. 1C or Ration Order No. 8, the board may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the board or such other agent shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

Article VI—Periodic Inspection and Declaration of Tires

SEC. 6.1 *Periodic inspection*—(a) *Vehicles subject to inspection.* On or before June 1, 1943, every person controlling the use of a passenger automobile, truck, bus, or taxicab, shall obtain a Tire Inspection Record from his board and shall have the tires mounted on such vehicle inspected by a tire inspector appointed by the Director. The tires, at the time of inspection, shall be mounted on the vehicle for which the Tire Inspection Record has been issued. A separate Tire inspection Record shall be obtained for each vehicle. The provisions of this section shall not apply to:

(1) Motorcycles.

(2) Vehicles operated solely on special gasoline rations.

(3) Vehicles not registered for use on the highway.

(4) Farm tractors, farm implements, road-graders, earth-movers, or other industrial, mining or construction equipment not designated primarily for use on the highway.

(5) Vehicles operated by the armed forces of the United States.

(6) Tires reported on OPA Form R–17 by any person required to file such form.

(7) Tires obtained pursuant to section 4.6.

(b) *Time of inspection.* The time for periodic inspections shall be as follows:

Type of coupon book issued	First inspection must be made by	Subsequent inspections
Class A	Sept. 30, 1943	Within every 6-months period thereafter; i. e., on or before March 31 and Sept. 30 of each year. Inspections must be at least 90 days apart.
Class B	Aug. 31, 1943	Within every 4-month period thereafter; i. e., on or before Dec. 31, April 30, and Aug. 31, of each year. Inspections must be at least 60 days apart.
Class C	July 31, 1943	Within every 3-month period thereafter; i. e., on or before Oct. 31, Jan. 31, Apr. 30, and July 31, of each year. Inspections must be at least 45 days apart.

(c) *Declaration of tires.* Every person required to obtain a Tire Inspection Record pursuant to paragraph (a) of this section, shall set forth thereon a declaration of the number, size and serial number of all tires (including scrap tires but not including tires listed in paragraph (a) (6) or (a) (7)) which are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption, and shall file such declaration with the board.

(d) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record, including those on Parts D and those on the mounted tire shall be recorded by the inspector and reported to the board.

(e) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

(1) The odometer reading of the vehicle,

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made, if parts are available to make such repairs or adjustments.

SEC. 6.2 *Inspection of tire transferred.* In addition to the periodic inspection, every consumer who acquires a passenger automobile, truck, bus or taxicab with tires mounted thereon, if such vehicle is not exempted under section 6.1 (a), shall have the tires inspected within ten days after they have been acquired. The Tire Inspection Record of the prior consumer shall be delivered to the transferee who shall turn in such record to the board to which application for a gasoline ration is made and thereupon a new Tire Inspection Record may be delivered by the board to such transferee: *Provided,* That if such tires are mounted on a passenger automobile for which no Tire Inspection Record has been issued, the transferee shall present to the board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle and stating that they were either mounted on the vehicle on September 30, 1942, or were acquired mounted on the vehicle since that date. The board may thereupon issue a new Tire Inspection Record to such transferee.

SEC. 6.3 *Compensation to be paid for inspection.* An inspector may charge a fee not to exceed twenty-five cents (25c) per vehicle for the inspection required by sections 6.1 and 6.2 In addition, sums not in excess of those set forth in section 5.3 (c) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purpose under said sections.

SEC. 6.4 *Shifting of tires*—(a) *Prohibition.* No person shall mount on any vehicle, to which the provisions of section 6.1 (a) apply, any tire not duly entered upon the Tire Inspection Record for such vehicle, or acquired in exchange for a certificate issued to equip such vehicle, except as provided in paragraph (b).

(b) *Application for authorization.* A person may apply to a board for authorization to shift tires from one such passenger automobile owned by him to another such passenger automobile, or from one such vehicle eligible under section 4.4 owned by him to another such vehicle. Upon approval by the board, he may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such vehicles.

SEC. 6.5 *Replacement of lost tire inspection records.* Any person who has lost a Tire Inspection Record shall apply to a board for a new record. Before issuing such record, the board shall reexamine and redetermine the current gasoline ration and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Part D of certificates in the possession of the applicant.

Article VII—Prohibited and Permitted Transactions

SEC. 7.1 *Prohibitions.* Notwithstanding the terms of any contract, agreement or other obligations, regardless of when made, no person, unless permitted by Ration Order No. 1 C, or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube, or camelback; or

(b) Use, alter, or change the physical location of any tire, tube, or camelback; or

(c) Mount any tire or tube upon a wheel or rim.

SEC. 7.2 *Mounting or use of tires or tubes*—(a) *Mounting or use generally.* Subject to the restrictions of paragraph (b) of this section, any person may change the physical location of, mount or use;

(1) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 4.2 or 4.4 for which they were acquired, or on any other such vehicle owned or controlled by such person but only when pursuant to section 6.4;

(2) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 4.5 for which they were acquired, or on any other vehicle eligible under section 4.5 owned or controlled by such person;

(3) Tires or tubes owned and possessed by him prior to October 1, 1942, on any vehicle owned by him. If such vehicle is not exempted from the provisions of section 6.1, tires or tubes may only be mounted thereon if they have been declared on a Tire Inspection Record for such vehicle.

(b) *Mounting from stock prohibited.* No dealer shall declare in his Tire Inspection Record or mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or tubes were permanently removed from his stock and mounted on his vehicle prior to October 1, 1942.

SEC. 7.3 *Transfer to consumers upon certificate*—(a) *By dealers.* A dealer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *No tire in stock.* A dealer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(c) *Tire requiring repair or recapping.* No dealer may transfer to a consumer a tire that requires repair or recapping.

SEC. 7.4 *Dealer transfers*—(a) *Changes of location.* A manufacturer or dealer may change the location of tires or tubes within a single establishment or the location of the establishment itself, including the entire stock of tires or tubes contained therein: *Provided,* That no change in ownership, possession or control occurs.

(b) *Tires or tubes*—(1) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R–2 (Revised) and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(2) *Permitted replenishment of tires or tubes.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt, transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for:	*Dealer may replenish with:*
Any size grade I tire.	Any size Grade I or III tire.
Any size Grade III tire.	Any size grade III tire.
Any size truck-type tire.	Any size truck-type tire.
Any size tractor-type tire.	Any size tractor, truck or implement-type tire.
Any size implement-type tire.	Any size tractor or implement - type tire.
Any size passenger tube.	Any size passenger tube.
Any size truck tube.	Any size truck tube.

(3) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer tires or tubes to his supplier only for the following purposes:

(i) To return tires or tubes of a size, grade, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor tires or tubes of the size, grade, type or quality ordered;

(ii) To effect adjustments between the dealer and his supplier pursuant to a contract or sales agreement.

(c) *Transfer of dealer's business.* Any dealer may, without certificate, transfer as a unit his entire stock of tires or tubes together with any replenishment portions (Parts B) of certificates or receipts to other dealers who may acquire such stock for resale: *Provided,* That the transferor shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, and replenishment portions (Parts B) to be transferred, with the Director at least ten days before making such transfer.

(d) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires or tubes for the purpose of storage to any warehouse owned or operated by him if no change in ownership or control of such tires or tubes is thereby effected. Any dealer may, without certificate, withdraw the tires or tubes stored in such warehouse.

SEC. 7.5 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Tires or tubes may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or the Government of the Virgin Islands may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Judicial process.* Any person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(3) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(4) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The Government of the Virgin Islands, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

SEC. 7. *Transfers without certificate, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires or tubes to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive tires or tubes on their behalf.

(b) *Changes in location.* A person, other than a dealer, may, without certificate, change the location of tires or tubes if no change in ownership, possession or control results.

(c) *By persons other than dealers.* A person, other than a dealer or manufacturer, may, without certificate, transfer tires or tubes to a dealer. A record of the serial number of any tire so transferred shall be given to the transferor and a copy shall be sent by the dealer to the board which issued the transferor's Tire Inspection Record.

(d) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only, and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(f) *Return of lost or stolen tires or tubes.* A person may, without certificate, transfer tires or tubes which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(g) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within thirty (30) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(h) *Turn-in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube, and is required to turn in a tire or tube to be replaced, shall transfer such tire or tube to a dealer: *Provided,* That such dealer, if not a recapper, must sell the replaced tire, if recappable, to a recapper.

(i) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing recapping service, and the recapper may transfer a Grade III tire in exchange for such Part B.

(j) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper.

(k) *Transfers to and from carriers.* A person may, without certificate, transfer tires or tubes to a common or contract carrier for shipment, and such tires or tubes may be transferred by such carrier to the consignee in the regular course of business.

(l) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the director.

(m) *Tires, new tubes, or camelback held in customs.* Tires, new tubes or camelback imported into this Territory and held in customs may not be released to the claimant unless he holds a certificate, receipt or authorization from the Office of Price Administration that would entitle him to acquire such tires, new tubes or camelback.

SEC. 7.7 *Transfers to certain government agencies*—(a) *Transfers.* A person may transfer tires, tubes or camelback to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it.

(b) *Receipt.* A dealer who makes any transfer pursuant to paragraph (a) shall obtain a receipt from the purchaser upon OPA Form R–12 (Revised).

Article VIII—Other Prohibited Acts

SEC. 8.1 *Offenses.* (a) Mutilation and forgery of certificates. No person shall without lawful authority wilfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), Tire Inspection Record, or any part thereof, and no person shall counterfeit or forge any such instrument or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of this ration order.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued or by whom it was acquired in accordance with the provisions of this ration order.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of this ration order, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under this ration order for any purpose other than one for which a tire, tube, or camelback may be obtained under this ration order.

(f) *Abuse of tires.* No person shall, without lawful authority, abuse, alter, damage or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed in excess of the applicable speed laws. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or where necessary to meet an emergency involving serious threat to life, health, or safety: *Provided,* That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record required by section 6.1.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes on a motor vehicle unless he has filed a declaration of tires as required by the Office of Price Administration.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 8 or for which gasoline or other fuel is used in violation of that order.

(k) *False statements.* No person shall, in any application record, report, certificate or other document made pursuant to or required by the terms of this ration order, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(l) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of this ration order.

(m) *Price violation.* No person shall sell or transfer any tire, tube, camelback or recapping service at a price in excess of the applicable maximum price for such article or service established by the Office of Price Administration.

Article IX—Records and Reports

SEC. 9.1 *Posting names of successful applicants.* At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for Grade I passenger tires or truck tires shall be posted at the Office of Price Administration for public inspection and shall be released to the press. This requirement shall not apply to certificates issued pursuant to section 4.6 or 4.7.

SEC. 9.2 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for tires or tubes.* A transferor of tires or tubes to whom a certificate is surrendered by an applicant or who receives an OPA Form R–12 (Revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R–2 (Revised) shall be retained by the transferor as his record; Part A of OPA Form R–12 (Revised) shall be sent to the Director within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) *Part B.* Part B not used for replenishment must be retained by the dealer as his record.

(3) *Part C.* Part C of OPA Form R–2 (Revised) shall within three days of the date of transfer of the tires or tubes, be sent to the issuing Board which shall retain it as its record. Part C of OPA Form R–12 (Revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R–2 (Revised) and OPA Form R–12 (Revised) shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

SEC. 9.3 *Records and reports of transfers*—(a) *Records of transfers to and from dealers.* Every dealer shall keep true, accurate and complete records of all transfers of tires or tubes to or by him: *Provided,* That no records need be kept of transfers permitted by section 7.6 (e) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type and grade;

(2) If recapped tires are transferred, the number, size, type and grade thereof and the type of camelback used in recapping the tires;

(3) If tubes are transferred, the number, type and size thereof; or

(4) If tires or tubes are transferred for repair, information sufficient to identify the ownership of the tires.

(b) *Report of transfer of dealer's business.* A transferor under section 7.4 (d) shall file a statement containing the name and address of the transferee and an inventory of the tires or tubes and replenishment portions (Parts B) to be transferred, with the director at least ten days before making such transfer.

SEC. 9.4 *Inventories of sellers of tires, tubes and vehicles.* Every person engaged in the business of selling or holding for sale tires, tubes or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(a) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count.

(b) File a report on OPA Form R–17 in accordance with the instructions thereon, for each quarter ending March 31, June 30, September 30, and December 31, setting forth all unmounted tires and tubes in his possession or control on the last day of such quarter and all transfers of tires and tubes made during such quarter. Transfers permitted by section 7.6 (e) relating to transfers for repair, mounting or inspection need not be recorded hereunder. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed on or before the fifteenth day after the end of each quarter with the Director.

(c) File a report with the Director if the grade of any tire has been changed, setting forth the reason for such change of grade, and shall not sell the tire until five days after the report has beeen filed.

SEC. 9.5 *Preservation and filing of records.* Any person affected by this ration order shall keep and file such additional records and reports as the Office of Price Administration may require. Any record required to be kept by this ration order shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires or tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires or tubes shall be available at all times for inspection by the Office of Price Administration.

SEC. 9.6 *Notice of local proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeeding involving such certificate, part of a certificate or authorization, notify the Director.

SEC. 9.7 *Report of violations*—(a) *By any person.* Any person may report a violation of this ration order to a board or to the Director.

(b) *By a board.* Whenever a board finds that an applicant has violated section 8.1 (k), it shall immediately inform the director of that fact in writing, transmitting all relevant documents with its report.

Article X—Appeals

SEC. 10.1 *Decision of board.* After acting upon an application the board shall, within three (3) days, notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

SEC. 10.2 *Who may appeal.* Any applicant for a certificate, part of a certificate, or authorization, whose application has been denied in whole or in part by the action of a board, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a board,

may appeal from such action to the Director.

SEC. 10.3 *Procedure.* An appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, and amendments thereto, issued by the Office of Price Administration.

Enforcement

SEC. 10.51 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of this ration order, or who otherwise knowingly furnishes false information to a board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of this ration order may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of this ration order, may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 10.52 *Suspension orders.* Any person who violates this ration order may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes, or gasoline. Such suspension order shall be issued for such period as in the judgment of the Director or such person as he may designate for such purpose, is necessary or appropriate to permit the efficient rationing of tires, tubes, or gasoline in the Virgin Islands.

SEC. 10.98 *Effect on other orders.* (a) Ration Order No. 1 C supersedes the Revised Tire Rationing Regulations insofar as applicable to the Virgin Islands: *Provided, however,* That any violations which occurred prior to the effective date of this ration order shall be governed by the orders, regulations and amendments thereto, in effect at the time such violations occurred.

Effective date. Ration Order No. 1 C shall become effective September 1, 1943.

Issued this 15th day of July 1943.

JACOB A. ROBLES,
Territorial Director Virgin Islands.

WALLACE M. COHEN,
Acting Regional Administrator.

[F. R. Doc. 43-12667; Filed, August 4, 1943; 2:11 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 57]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT: ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

1. Section 1340.203 is amended to read as follows:

§ 1340.203 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12668; Filed, August 4, 1943; 2:14 p. m.]

PART 1340—FUEL

[MPR 121, Amdt. 22]

SEMI-ANTHRACITE IN VIRGINIA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.249 (h) is added to read as follows:

(h) *Maximum prices for semi-anthracite produced in the State of Virginia.* Anything in this regulation contained to the contrary notwithstanding, the following maximum prices are established for semi-anthracite produced in the State of Virginia (also known as Virginia anthracite) for shipment via rail transportation f. o. b. mine to all destinations and for all uses.

Size:	*Price per net ton*
Egg, Stove and Nut	$4.35
Pea	3.10
Buckwheat	2.60
Rice	1.85
Culm	.85
Special prepared 1/8" x 7/8" crusher run-of-mine	3.60

The above prices are subject to a discount of 10 cents per ton for cash payment or payment within fifteen (15) days from date of invoice.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12676; Filed, August 4, 1943; 2:22 p. m.]

PART 1340—FUEL

[MPR 189,[1] Amdt. 14]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL: ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 189 is amended in the following respect:

1. Section 1340.303 is amended to read as follows:

§ 1340.303 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12669; Filed, August 4, 1943; 2:14 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168.

[1] 8 F.R. 2973.

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 222,[1] Amdt. 2]

NORTHERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Article II, section 5 is amended by the addition of a new paragraph (c) to read as follows:

(c) On and after August 10, 1943, the basic mill prices set forth in this regulation may be increased by 10 percent, except the following:

(1) Article V, Appendix A, Table 3; Article VI, Appendix B, Table 16; and Article VII, Appendix C, Table 26.

(2) Kiln-drying, millworking, antistain treatment, differentials and all additions to basic mill prices authorized by footnotes or otherwise.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12677; Filed, August 4, 1943; 2:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[2] Amdt. 75]

SUGAR RATIONING REGULATIONS: FOUNTAIN FRUITS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.92 (a) is amended by adding "fountain fruits" to the list of products enumerated in Class 6.

This amendment shall become effective August 10, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12678; Filed, August 4, 1943; 2:24 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Correction to Rev. MPR 183[3]]

PUERTO RICO

Section 25 Table 10 is corrected by adding the category "Canned beets, sliced:" before the item "Exquisite, Case of 24 #2 cans" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned beets, sliced:				*Per container*
Exquisite	Case of 24 #2 cans.	$3.70	$4.25	$0.23

This correction shall become effective as of July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12679; Filed, August 4, 1943; 2:24 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215,[1] Amdt. 1]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 215 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

SEC. 2. *Summary of the regulation.* (a) The general plan of this regulation divides lumber yards into two groups: wholesale and retail.

Wholesale distribution yards have one fixed mark-up for all their sales, regardless of quantity or purchaser: $5.00 and 10%.

As to retail yards, the plan is to extend specific mark-ups to them for all sales as soon as they can be worked out. So far, the only specific mark-up which applies to all retail yards in the country is the mark-up of $5.00 and 10% for "wholesale-type" sales, that is, sales to five large-scale classes of buyers in quantities of 5,000 feet or more. An optional pricing provision permits the application of a similar mark-up to all other sales in the Common grades. Specific mark-ups are established herein for the North Central, North Atlantic, Great Plains, South Central, California, Texas, Louisiana, and Mountain States areas as set forth in section 6, paragraphs (b) and (c). Outside of these particular areas, except in the case of "wholesale-type" sales and sales made under the "optional pricing" provision, the General Maximum Price Regulation[2] continues to apply.

2. Section 3 is amended by adding to the list of species and regulations covered, the following:

Western Red Cedar Lumber—MPR 402.[3]
Tidewater Red Cypress Lumber—MPR 412.[4]

3. Section 4 (a) is amended by inserting at the end of the first sentence the following sentence: "In determining the dollar volume of softwood lumber hereunder, direct mill sales shall not be included".

4. Section 5 (a) is amended by adding at the end of the paragraph the following sentence: "In determining the dollar volume of softwood lumber hereunder, direct mill sales shall not be included".

5. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for retail yards: All other sales (other than "wholesale-type").*—(a) *General.* All sales out of retail yard stock other than the "wholesale-type" and the "optional pricing type" (where the optional pricing provision has been adopted) are subject to the General Maximum Price Regulation, except in the North Central, North Atlantic, Great Plains, South Central, California, Louisiana, Texas, and Mountain States areas.

(b) *Area definitions.* (1) The North Atlantic Area consists of Maine, New Hampshire, Connecticut, Rhode Island, Vermont and Massachusetts, New York, New Jersey, Eastern Pennsylvania (east of the western border of the counties of Juanita, Perry, Cumberland, Adams, Tioga, Lycoming, Union and Snyder), Maryland, Delaware, District of Columbia, the City of Alexandria and Fairfax and Arlington Counties of Virginia.

(2) The North Central Area consists of Western Pennsylvania (from the western border of the following counties: Juniata, Perry, Adams, Cumberland, Tioga, Lycoming, Union, and Snyder), West Virginia, Indiana, Ohio, Michigan (lower Peninsula only) and Illinois.

(3) The Great Plains Area consists of Minnesota, North Dakota, South Dakota and Iowa.

(4) The South Central Area consists of Kansas, Nebraska, Missouri and Oklahoma.

(5) The California Area consists of California.

(6) The Texas Area consists of Texas.

(7) The Mountain States Area consists of Wyoming, Utah, Colorado, Arizona and New Mexico.

(8) The Louisiana Area consists of Louisiana.

(c) *Mark-ups for North Atlantic, North Central, Great Plains, South Central, California, Texas, Mountain States, and Louisiana Areas.* The maximum prices for sales out of retail yard stock in the North Atlantic, North Central, South Central, California, Texas, Louisiana, and Mountain States Areas, other than "wholesale-type" sales is the sum of the following:

(1) F. o. b. mill maximum price, in the mill regulation for the particular species; plus

(2) Inbound transportation charges to the distribution yard figured under the rules in section 7; plus

(3) $5.00 "handling charge" (or 30¢ per square for shingles, and 60¢ per M pieces for lath) plus

(4) The following percentage mark-ups, to be applied to the sum of (1), (2) and (3) above.

(i) In North Central and North Atlantic Areas:

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8362, 9382, 9779.

[2] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6687, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304.

[3] 8 F.R. 9532.

[1] 8 F.R. 8705.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

[3] 8 F.R. 7662.

[4] 8 F.R. 8712.

Quantities of over 1,000 ft. B. M.:
"Lower bracket" items, 30%
"Upper bracket" items, 40%
Quantities 1,000 ft. B. M. or less:
All items, 50%

(ii) In Great Plains and Texas Areas, all quantities:

"Lower bracket" items, 35%
"Upper bracket" items, 40%

(iii) In California Area all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 50%

(iv) In South Central and Mountain States Areas, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 40%

(v) In Louisiana Area, all quantities:

All items, 30%

(vi) In all Areas, if sale of softwood lumber and/or shingles totals less than $7.50 add 10% of total.

(d) *Meaning of "lower and upper bracket" items.* (1) "Lower bracket" items include the following grades and sizes:

(i) *Grades.*

#1 Common & lower in the following species:
Southern Pine (longleaf and shortleaf)
Douglas Fir
West Coast Hemlock
Sitka Spruce
White Fir (W. C. L. A. Rules)
Redwood
Eastern Spruce
Aspen
Eastern Hemlock
Red Cedar
Tidewater Red Cypress

#2 Common & lower in the following species:
Jack Pine
Engelman Spruce
Lodgepole Pine
Larch

#3 Common & lower in the following species:
Ponderosa Pine
Norway Pine
Idaho Pine
Sugar Pine
Eastern and Northern White Pine (Pinus Strobus)
Ottawa Valley White Pine

NOTE: "Lower bracket" items include all special specifications applicable to the grades listed, such as dense or medium grain, or stress grades, and also any items of flooring, ceiling and similar patterns in the grades listed.

(ii) *Sizes.* All thicknesses of boards and strips: all widths in boards and Dimension 12" and under in nominal width; all 3" and 4" timbers 10" and under in nominal width; all 5" and 6" timbers 8" and under in nominal width; and all lengths in the above up to and including 24'; also all shingles and lath.

(2) "Upper bracket" items include all grades higher, sizes larger and lengths longer than those listed as "lower bracket" items.

(e) *Delivery in North Atlantic and North Central Areas.* The mark-ups for sales (other than "wholesale-type") in the North Atlantic and North Central areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10¢ per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required; but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do so, or unreasonably to insist that the buyer pick up the lumber at the yard.

(f) *Delivery in other specified areas.* The mark-up for sales (other than "wholesale-type") in the Great Plains, South Central, California, Texas, Louisiana, and Mountain States areas include delivery within a radius of 10 miles to those classes of customers to whom free delivery was extended in March 1942 and thereafter. For deliveries more than 10 miles to such classes of customers an addition of 10¢ per M'BM may be made for each mile beyond the first 10, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required, but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do so or unreasonably to insist that the buyer pick up the lumber at the yard.

To all classes of customers to whom free delivery was not included in March 1942 and thereafter an additional charge for delivery may be made: *Provided,* That such charge does not exceed that made for the same type of delivery during March 1942. Any amount added for delivery must be shown separately on the invoice, bill of sale, or other billing.

6. Section 7 (a) is amended by the addition of the following subparagraphs (11) and (12):

(11) Western Red Cedar Lumber—MPR 402.

Seattle, Washington.

(12) Tidewater Red Cypress Lumber—MPR 412.

Perry, Florida: Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

Ponchatoula, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Distribution yards located in these states may make the additions allowed for Louisiana producers in calculating mill prices. See Section 24 of MPR 412.

Albany, Georgia: Georgia and Tennessee.

Sumter, South Carolina: North Carolina and South Carolina.

NOTE: The following items of Tidewater Red Cypress are not subject to the mark-ups set forth in this regulation but continue to be subject to the General Maximum Price Regulation:

1. Mouldings.
2. Grounds.
3. Plant stakes and car strips
4. Pickets
5. Battens

7. Section 7 (b) is amended to read as follows:

(b) *Minimum rate.* If the distribution yard is located at the basing point, or within a radius of 10 miles from such point, or at a point which takes a lower freight rate (as determined in Section 20 (c)) than 10¢ per cwt., a rate of 10¢ per cwt. may be used to figure inbound transportation charges.

8. A new paragraph (e) is added to section 7 to read as follows:

(e) *Trucking from railhead to yard site in certain areas.* The provisions of this paragraph apply only to the Mountain States, and Texas Areas. Where the distribution yard is located at a distance greater than 10 miles from the nearest railhead it may add to its transportation charges, figured in accordance with paragraphs (b) and (d) of this section, for the cost of trucking from the railhead to the yard's site, an amount not to exceed the following: $2.00 per M'BM for any distance over 10 miles and less than 20 miles; $2.50 per M'BM for any distance 20 miles or greater. Distance is to be determined by the speedometer reading for the shortest route between the railhead and yard site or as indicated on the official state highway road map.

9. Section 10 (a) is amended by the addition of the following subparagraph (6):

(6) Where a distribution yard purchases lumber rough or green and works that lumber prior to the time of sale the milling or drying charges shall not exceed those charges for these services provided for in the mill regulation governing that particular species for the same type of processing. The maximum processing charges herein provided may only be added where the lumber is stocked rough or green and the method or type of processing required cannot be determined until the sale is made and the buyer's specifications are received. Under any condition, these charges may not be added to produce any item of boards or dimension in standard sizes, or sizes reasonably similar thereto, shown in the applicable regulation.

10. Section 24 is amended by the addition of the following sentence immediately at the end of the first sentence: "(Any wholesale yard as defined in section 4 (a) hereof, which prior to June 23, 1943, separately operated a retail department under conditions conforming with the definition of a retail yard as set forth in section 5 (a) hereof, may apply for approval to continue the operations of its retail yard department in the manner and under the conditions above set forth.)"

This amendment shall become effective August 10, 1943, except that:

(a) If this amendment lowers any maximum price below that fixed in any earlier regulation, contracts that were in existence before the date of issuance of this amendment at lawful prices may be completed according to their terms, if delivery is made on or before September 1, 1943.

(b) The mere fact that this amendment increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation per-

pricing agreements to cover such situations. Apart from that, increasing prices in existing uncompleted contracts to the level of increased maximum prices in the amendment is purely a matter of agreement between buyer and seller.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12670; Filed, August 4, 1943; 2:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 10]

PICK-UP AND DELIVERY SERVICES

The statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 14 is amended in the following respects:

1. Section 7.11 (d) (1), (2) and (3) are amended to read as follows:

(d) *Definitions.* (1) "Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

(2) "Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

(3) "Pick-up and delivery carrier" means a carrier who performs pick-up and delivery services as herein above defined for a line haul carrier.

2. In OPA Form 383:8 in section 7.11 (e), the definitions of "pick-up service", "delivery service" and "pick-up and delivery carrier" are amended to read as follows:

"Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

"Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul carrier's rate applies or the local transfer of property from a terminal of a line haul carrier to a terminal of a connecting line haul carrier.

"Pick-up and delivery carrier" means a carrier who performs pick-up and delivery services as herein above defined for a line haul carrier.

*Copies may be obtained from the Office of Price Administration.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12681; Filed, August 4, 1943; 2:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 32]

EXCEPTIONS FOR FIRE REPORTING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (38) is revoked.

This amendment shall be effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12680; Filed, August 4, 1943; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICE

[MPR 165 as Amended, Amdt. 26]

ALARM AND PROTECTION EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 165 as amended—Services is amended in the following respects:

1. Section 1499.101 (c) (28) is amended by deleting the phrase "burglar alarms."

2. Section 1499.101 (c) (66) is added to read as follows:

(66) Equipment used for the detection of, and protection against fire, theft, burglary, and sabotage (including but not limited to fire alarms, burglar alarms, watchman boxes, sprinkler systems, and electrical or mechanical devices used in connection therewith for the detection of, and for protection against, loss or damage by fire, theft burglary, or sabotage)—maintenance, repair, rental, supervision, operation, inspection, or installation (except installation of sprinkler systems).

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12682; Filed, August 4, 1943; 2:24 p. m.]

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

PART 1382—HARDWOOD LUMBER

[MPR 223,[1] Amdt. 7]

NORTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1382.151 *Maximum prices for Northern hardwood lumber* is amended by the addition of the following paragraph (e):

(e) On and after August 10, 1943, the basic mill prices set forth in this regulation may be increased by 10 percent on all items, except the following:

(1) Section 1382.163, (18) and (19) and § 1382.164 (b) (1) and (2).

(2) Kiln-drying, millworking, anti-stain treatment, specified differentials and all additions to basic prices authorized by footnotes or otherwise.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12684; Filed, August 4, 1943; 4:24 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[2] Amdt. 3]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 418 is amended in the following respects:

1. Section 2 (a) is amended by inserting after the sentence "For each month, there are two columns of prices." the sentence "The prices in Table A on sales by producers apply irrespective of the nature of the purchaser and irrespective of whether the fish are sold through an agent of any kind."

2. Section 3 (a) is amended to read as follows:

(a) *Sale by a primary fish shipper wholesaler.* A sale by a primary fish shipper wholesaler is a sale by a person who buys fresh fish or seafood from a producer and who distributes bulk, boxed, barreled, or packaged fish and seafood to other wholesalers (retailer-owned cooperative, cash and carry, and service and delivery) or to a retail chain store warehouse.

3. Section 3 (a) (1) is amended by inserting after the sentence "These prices are f. o. b. his established place of doing business in bulk." the sentence "The prices in Table B on sales by primary fish shipper wholesalers apply irre-

[1] 7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945.

[2] 8 F.R. 9366, 10086.

spective of whether the fish are sold through an agent of any kind."

4. Section 4 (a) (1) is amended to read as follows:

(1) *Maximum prices for sales by a retailer-owned cooperative wholesaler and by a wholesaler other than a primary fish shipper wholesaler to other wholesalers.* Maximum prices for sales by a retailer-owned cooperative wholesaler are the prices listed in Table C (Article IV, section 20 (c)) plus the container prices provided in section 19 when containers are used, plus transportation as provided in section 7. The prices in Table C also shall apply in sales by a wholesaler other than a primary fish shipper wholesaler to other wholesalers and chain store warehouses.

5. Section 4 (b) (1) is amended by deleting the sentence "These prices apply to sales to other wholesalers as well as to retailers and purveyors of meals."

6. Section 4 (c) is amended by inserting after the phrase "and who delivers the goods to his customer's usual receiving point" the phrase "by means other than a common carrier."

7. Section 4 (c) (1) is amended by deleting the sentence "These prices apply to sales to other wholesalers as well as to retailers and purveyors of meals."

8. The text of section 7 (a) preceding the example is amended to read as follows:

(a) *When a wholesaler may add his transportation cost to listed prices.* The prices set forth in section 20 list maximum prices for sales by a retailer-owned cooperation, cash and carry, and service and delivery wholesaler, exclusive of container costs and transportation costs incurred in transporting the fish to his established place of doing business. Where such transportation changes have been incurred (excluding local trucking and handling changes), a wholesaler who purchases fresh fish and seafood from a primary fish shipper wholesaler may add to the maximum prices the actual cost of transportation from the primary fish shipper wholesaler's established place of doing business to such wholesaler's customary receiving point, and must record the allowed transportation cost in an invoice to his customer. Any customer of such wholesaler may add to to his selling price the transportation cost as shown in the invoice. Where a primary fish shipper wholesaler has a branch warehouse located at a remote point from the market of origin to which it ships fresh fish and seafood, the branch warehouse for the purpose of transportation allowance may be considered a wholesaler who purchases fresh fish and seafood from a primary fish shipper wholesaler. In no instance may transportation costs exceed common carrier rates when such rates are availabe.

9. In section 20, table A, the name of Schedule No. 24 is amended to read as follows:

24 Ling Cod (Pacific Coast) (Ophiodon elongatus)[4]

10. In section 20, Table A, the name of Schedule No. 26 is amended to read as follows:

26 Sablefish (Anoplopoma fimbria).[4]

11. In section 20, Table A, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. & over" instead of "6 lb. & over".

12. In section 20, Table A, Schedule No. 26, the size of Item No. 2 is amended to read "Under 5 lbs." instead of "Under 6 lb.".

13. In section 20, Table A, the name of Schedule No. 27 is amended by deleting the words "(Oncorhynchus tschawtyscha)[4]" and inserting in their place the words "(Oncorhynchus tschawytscha)[3]".

14. In section 20, Table A, the name of Schedule No. 28 is amended by deleting the words "(Oncorhynchus kisutch)[4]". and inserting in their place the words "(Oncorhynchus kisutch).[3]"

15. In section 20, Table A, the name of Schedule No. 45 is amended by deleting the words "(Pacific Coast)".

16. Footnote 18 following Table A in section 20 is amended by inserting after the word "California" the sentence "To the price in Schedule No. 49 $1.00 per ton may be added on sales of pilchards delivered to Benecia, Martinez and Moss Landing, California, and $1.50 to Pittsburgh, California."

17. In section 20, Table B, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. & over" instead of "6 lbs. and over".

18. In section 20, Table B, Schedule No. 26, the size of Item No. 2 is amended to read "Under 5 lbs." instead of "Under 6 lbs".

19. In section 20, Table C, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. & over" instead of "6 lb. and over".

20. In section 20, Table C, Schedule No. 26, the size of Item No. 2 is amended to read "Under 5 lbs." instead of "Under 6 lbs.".

21. In section 20, Table D, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. and over" instead of "6 lbs. and over".

22. In section 20, Table D, Schedule No. 26, the size of Item No. 2 is amended to read "under 5 lbs." instead of "under 6 lbs.".

23. In section 20, Table E, Schedule No. 26, the size of Item No. 1 is amended to read "5 lbs. and over" instead of "6 lbs. and over".

24. In section 20, Table E, Schedule No. 26, the size of Item No. 2 is amended to read "under 5 lbs." instead of "under 6 lbs.".

This amendment shall become effective August 4, 1943, except that as to footnote 18 of Table A in section 20, it shall become effective as of August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12685; Filed, August 4, 1943; 4:24 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amdt. 12]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 269 is amended in the following respects:

1. Section 1429.1 is amended to read as follows:

§ 1429.1 *Prohibition against selling poultry at prices above the maximum.* On and after December 18, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, or cause to be sold or delivered whether for his own account or otherwise, the poultry items specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry items at a price higher than the maximum prices permitted by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poultry items to a purchaser, if, prior to December 18, 1942, such poultry items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

2. Section 1429.4 (b) is amended to read as follows:

(b) Every person shipping any of the poultry items specified in this regulation by freight car, truck, or other means of transport from one place to another, shall post within such freight car, truck or other means of transport, a manifest showing the place from which such poultry items were shipped, the name and address of the owner of such poultry items while in transit, the name and address of the person or persons to whom such poultry items are being shipped, the name and address of the seller or sellers, the quantities, types, grades, weight classes of poultry bought and sold, the number of head of each type, grade, and weight class of poultry bought and sold, and the price paid.

3. Section 1429.14 (d) (4) is added to read as follows:

(4) The Administrator of the War Food Administration is notified in writing of every proposed uniform maximum base price for any live poultry item which reduces the maximum base price for such live poultry item at any place in the political subdivision or other defined area for which the uniform maximum base price is proposed by more than one-tenth of one cent per pound, and has consented in writing to the establishment of such uniform maximum base price.

4. Section 1429.24 is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9061, 9299.

§ 1429.24 *Maximum prices for poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) If the United States Government or any agency thereof requisitions or purchases any of the poultry items specified in Table A of § 1429.19 of this regulation from a truck, freight car, or any other carrier, irrespective of the fact that such truck, freight car or carrier is in transit or at stoppage it shall pay no more than the maximum base price established for such poultry item at the place where the requisitioning or transfer of physical possession of such poultry item occurs, plus a sum not in excess of one cent per pound.

(b) The weight of any poultry item requisitioned or purchased by the United States Government or any agency thereof from a truck, freight car, or any other carrier, shall be determined at the time and place where the requisitioning or transfer of physical possession of such poultry item occurs: *Provided*, That, if the United States Government or any agency thereof believes it is impracticable for it to determine the weight of such poultry item at the time and place where the requisitioning or transfer of physical possession occurs, then such poultry item shall be transported immediately to the nearest available weighing station, and its weight shall there be determined as soon as possible.

5. Section 1429.25 is added to read as follows:

§ 1429.25 *Sale of poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) Whenever the United States Government or any agency thereof finds it necessary to sell any poultry item which it requisitioned or purchased pursuant to the provisions of this regulation, it may sell such poultry item, and any person may purchase such poultry item at a price not in excess of the price which the United States Government or any agency thereof paid for such poultry item pursuant to the provisions of this regulation.

6. Section 1429.26 is added to read as follows:

§ 1429.26 *Service charge for the processing of poultry items owned by the United States Government or any agency thereof.* (a) Any person who converts any of the live poultry items specified in Table A of § 1429.19 of this regulation into a dressed poultry item, may charge as compensation for his services a sum not in excess of the differential between the maximum base price established in Table A of § 1429.19 of this regulation for such live poultry item and the maximum base price established in such Table A for the corresponding dressed poultry item into which the live poultry item is converted: *Provided*, That, such poultry is and remains the property of the United States Government or any agency thereof.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12686; Filed, August 4, 1943; 4:25 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

POSTPONEMENT OF REQUIREMENT FOR ACCOUNTING FOR ROAD PROPERTY DEPRECIATION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of July, A. D. 1943.

The orders of June 8, 1942 (7 F.R. 4673) modifying the Classification of Investment in Road and Equipment for Steam Roads; Classification of Operating Revenues and Operating Expenses for Steam Roads; Classification of Income, Profit and Loss, and General Balance Sheet Accounts for Steam Roads; and Accounting Bulletin No. 15, Interpretations of Accounting Classifications for Steam Roads; being under consideration:

And it appearing, that compliance with the requirements for depreciation accounting of road property prescribed by said orders of June 8, 1942 should be optional as to Class II and III steam roads until January 1, 1945;

It is ordered, That the mandatory requirement for accounting for depreciation of road property, prescribed in said orders of June 8, 1942, be, and it is hereby, postponed as to Class II and Class III steam roads until January 1, 1945.

And it is further ordered, That said orders of June 8, 1942 shall in all other respects remain in full force and effect.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-12733; Filed, August 5, 1943; 11:40 a. m.]

[Service Order 133, Amdt. 2]

PART 95—CAR SERVICE

REFRIGERATION OF VEGETABLES USING TOP AND BODY ICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of the provisions of Service Order No. 133 (8 F.R. 9037) of June 19, 1943, and Amendment No. 1 to Service Order No. 133 (8 F.R. 9728) of July 13, 1943;

It is ordered, That Service Order No. 133 (8 F.R. 9037) and Amendment No. 1 to Service Order No. 133 (8 F.R. 9728) be, and they are hereby, further amended to read as follows:

§ 95.313 *Refrigeration of vegetables using top or body ice*—(a) (1) *Restriction on refrigeration service.* Effective at once and until further order of the Commission any common carrier by railroad subject to the Interstate Commerce Act may accept or move a refrigerator car or cars loaded with fresh or green vegetables in straight or mixed carloads using top or body ice only under the following conditions:

(i) Refrigerator cars equipped with collapsible bunkers shall not be used unless the bunkers are collapsed.

(ii) Refrigerator cars not equipped with collapsible bunkers may be initially bunker iced, providing initial top or body ice used does not exceed 15,000 pounds.

(iii) Refrigerator cars not equipped with collapsible bunkers shall not be initially bunker iced if initial top or body ice used exceed 15,000 pounds.

(2) *Retop or rebody icing prohibited.* After the first or initial top or body icing no common carrier by railroad subject to the Interstate Commerce Act shall retop or rebody ice any refrigerator car or cars loaded with fresh or green vegetables in Straight or mixed carloads originating at points in Arizona or California, at any point or points west of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

(3) *Bunker icing in California.* For carriers' convenience shipments originating in the Salinas-Watsonville District of California may be initially bunker iced at Roseville, California, where bunker ice is permissible under paragraph (a) (1), subparagraph (ii). The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(4) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-12734; Filed, August 5, 1943; 11:40 a. m.]

[Service Order 143]

PART 95—CAR SERVICE

REICING OF GREEN FRUITS AND VEGETABLES IN TRANSIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1943.

It appearing that an acute shortage of ice is affecting the movement of perishables in refrigerator cars originating in states on the Pacific Coast, and Rocky Mountain Territory; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.315 *Refrigerator cars—(a) Cars of fresh or green fruits or vegetables not to be reiced after first reicing in excess of 75 percent of capacity of bunkers.* Notwithstanding the provisions of Service Order No. 133 (8 F.R. 9037) of June 19, 1943, as amended, no common carrier by railroad subject to the Interstate Commerce Act shall reice or allow or permit reicing with more than enough ice to bring ice to three-fourths of the refrigerator car bunker capacity at Belen, New Mexico; Big Spring, Texas; Dalhart, Texas; Del Rio, Texas; Denver, Colorado; Laramie, Wyoming; or Pueblo, Colorado after the first reicing of a refrigerator car or cars loaded with fresh or green fruits or vegetables moving under standard refrigeration or defined in Agent Quinn's Perishable Protective Tariff No. 12, I.C.C. No. 19, supplements thereto or reissues thereof. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads, or their agent, shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 5, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-12735; Filed, August 5, 1943; 11:40 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Field Administrator Amdt. 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN TERRITORY OF ALASKA

Section 401.1 of Order No. 1787, dated March 3, 1943 (8 F.R. 2892), is hereby amended in Schedule A thereof, by the Field Administrator acting pursuant to the authority granted in paragraph (c) of that order as amended July 15, 1943, because in his judgment such amendment is reasonable and advisable to give effect to the purposes of the order, and because the circumstances do not permit of the delay that would otherwise result. In District numbered IV item (3) is altered, and in District numbered VII item (1) is altered and item (8) is added, so that these items will read as follows:

IV—KODIAK—AFOGNAK

Name of person	Nucleus Plant	No. of lines
(3) Kadiak Fisheries Co., Port Bailey.	Kadiak Fisheries Co., Port Bailey.	2

(The Kadiak Fisheries Co. may pack in the above plant salmon caught by the north shore traps of the Pacific American Fisheries, Inc.)

VII—PRINCE WILLIAM SOUND

(1) New England Fish Co., Cordova. Central Alaska Packing Co., Shepard Point. W. R. Gilbert Co., Whitshed. G. P. Halferty, Inc., Cordova. Pioneer Sea Foods, Cordova.	New England Fish Co., Cordova.	2
	Pioneer Sea Foods, Cordova.	2
(8) Charles Darl, Cordova.	Charles Darl, Cordova	1

Issued this 20th day of July 1943.

RALPH A. FERRANDINI, *Field Administrator.*

[F. R. Doc. 43-12705; Filed, August 5, 1943; 9:50 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 152]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for airport purposes:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 80 W.,
Sec. 9, NE¼NE¼, S½NE¼, E½SW¼, and NW¼SE¼.
The areas described aggregate 240 acres.

This order shall be subject to (1) the withdrawal for reservoir purposes made by the orders of February 28 and October 11, 1891, of the Secretary of the Interior (Tennessee Park Reservoir Site No. 7), and (2) the withdrawal for water power sites made by the Executive Order of July 2, 1910 (Power Site Reserve No. 92), so far as such withdrawals affect the above-described lands.

Jurisdiction over the lands hereby reserved shall revert to the Department of the Interior, and to any other Department or agency of the Federal Government which had any jurisdiction over such lands immediately preceding the issuance of this order, according to their respective interests, upon expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and a determination as to whether the lands, or portions thereof, are needed for public purposes.

ABE FORTAS, *Acting Secretary of the Interior.*

JULY 28, 1943.

[F. R. Doc. 43-12706; Filed, August 5, 1943; 9:50 a. m.]

[Public Land Order 153]

NEVADA

REVOKING PUBLIC LAND ORDER NO. 53 WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 53 of November 4, 1942, withdrawing public lands for the use of the War Department as a bombing range is hereby revoked.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 28, 1943.

[F. R. Doc. 43-12707; Filed, August 5, 1943; 9:50 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-490]

CITIES SERVICE GAS COMPANY

ORDER FIXING DATE OF HEARING AND REQUIRING CONTINUANCE OF SERVICE

AUGUST 3, 1943.

It appearing to the Commission that:

(a) On June 19, 1943, Cities Service Gas Company (hereinafter referred to as "Cities Service") filed with the Commission notice of its intention to cancel and terminate its Rate Schedule FPC No. 51, as supplemented, providing for the sale of natural gas to Union Gas System, Inc. (hereinafter referred to as "Union") for resale for industrial use, and to discontinue service thereunder effective August 22, 1943;

(b) On July 3, 1943, Union filed its informal protest to the proposed cancellation and termination of Cities Service Gas Company Rate Schedule FPC No. 51, as supplemented, and the discontinuance of service thereunder and stated, among other things, that it had no other means of obtaining the gas purchased under that rate schedule and that the public convenience and necessity will be adversely affected if the proposed discontinuance of service is permitted;

(c) On July 26, 1943, Union filed with the Commission an informal complaint, a copy of which was served upon Cities Service, alleging that Cities Service refuses to deliver gas to Union at a point near Olathe, Kansas, as provided by Cities Service Gas Company Rate Schedule FPC No. 42, that Cities Service can economically furnish gas to Union at that point, and that the refusal of Cities Service to make deliveries at such point is unreasonable, discriminatory and constitutes a violation of the Natural Gas Act;

(d) On July 26, 1943, Union also requested that these matters be heard together;

The Commission orders that:

(A) The proceedings in the above-entitled matters relating to Cities Service Gas Company Rate Schedules FPC Nos. 51 and 42 be set for public hearing to be held on August 23, 1943, at 9:30 a. m. in Room No. 527 in the U. S. Court House, Kansas City, Missouri;

(B) To expedite the disposition of these matters, Cities Service shall file its answer to Union's complaint with respect to Cities Service Gas Company Rate Schedule FPC No. 42 on or before August 16, 1943;

(C) Until further order of the Commission, Cities Service shall continue service to Union under Cities Service Gas Company Rate Schedule FPC No. 51;

(E) Interested State commissions may participate in this hearing as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 43-12715; Filed, August 5, 1943; 11:19 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Subordination Order 4]

ADLANCO X-RAY CORP. AND ROENTGEN SUPPLIES, INC.

In re: Adlanco X-Ray Corporation and Roentgen Supplies, Inc. (Vesting Orders Numbers 28, 102, 425 and 1786).

Whereas Siemens-Reiniger-Werke, A. G., Berlin, Germany (hereinafter referred to as Siemens, Berlin), owned all of the issued and outstanding shares of the capital stock of Siemens Elektrisitats Erzeugnisse, A. G. of Switzerland (hereinafter called Siemens, Switzerland) and General Radiological, Ltd. of London, England (hereinafter called General); and

Whereas Siemens, Berlin and General owned all of the issued and outstanding shares of the capital stock of Adlanco X-Ray Corporation, a New York corporation (hereinafter referred to as Adlanco); and Adlanco owned all of the issued and outstanding shares of the capital stock of Roentgen Supplies, Inc., a New York corporation (hereinafter called Roentgen); and

Whereas all of the aforesaid business enterprises have heretofore been found by the undersigned to be nationals of a designated enemy country (Germany); and

Whereas by Vesting Order No. 28, dated June 18, 1942 (7 F.R. 4632, June 23, 1942), the undersigned vested all of the issued and outstanding shares of the capital stock of Adlanco; and by Vesting Order No. 102, dated August 11, 1942 (7 F.R. 7153, September 10, 1942) the undersigned vested all of the issued and outstanding shares of the capital stock of Roentgen; and

Whereas by Vesting Order No. 425, dated December 1, 1942 (7 F.R. 10633, December 19, 1942), the undersigned vested a certain claim against Adlanco in the sum of $30,482.80 owned by Siemens, Berlin, and a certain other claim against Adlanco in the sum of $6,000 owned by Siemens, Switzerland; and

Whereas by Vesting Order No. 1786, dated July 12, 1943 (8 F.R. 10041, July 20, 1943), the undersigned vested a certain claim against Adlanco in the sum of $20,033.75 owned by General; and

Whereas the said business enterprises above-named purport to have other claims each against the other as follows:

(a) Adlanco purports to have a claim in the sum of $41,177.75 against Roentgen; and

(b) Roentgen purports to have a claim against Adlanco in the sum of $1,028.85; and

Whereas Adlanco and Roentgen are presently being liquidated:

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Siemens, Switzerland, General, Adlanco, and Roentgen were subsidiaries of Siemens, Berlin and were dominated by it, and that all said business enterprises were in fact adjuncts and parts of a single organization and that their activities and affairs were interwoven; and

2. Finding that the advances and transactions which resulted in the claims above-described and set forth were in the nature of capital advances and were of such nature and consummated under such circumstances as to indicate that the parties did not intend to create enforceable debt obligations thereby; and

3. Finding that the assets of Adlanco and Roentgen are insufficient to pay claims against them in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claims to the claims of other creditors of Adlanco and Roentgen;

Hereby directs Roentgen and its duly authorized officers to subordinate the claim of Adlanco in the sum of $41,177.75, as aforesaid, to the claims of other creditors of and claimants against Roentgen; and further

Directs Adlanco and its duly authorized officers to subordinate the claim of Roentgen in the sum of $1,028.85, and the claims of Siemens, Berlin in the sum of $30,482.80, and the claim of Siemens, Switzerland in the sum of $6,000, and the claim of General in the sum of $20,033.75, the last-mentioned three of which were heretofore vested by the undersigned, as aforesaid, to the claims of other creditors of and claimants against Adlanco; and further

Directs Roentgen to pay all its other creditors except Adlanco in full, and to deliver and pay over to the undersigned all assets remaining after such payment, the same to be applied on account of said claim of Adlanco against Roentgen hereby directed to be subordinated; and further

Directs Adlanco to pay all its other creditors except Roentgen and Siemens, Berlin and Siemens, Switzerland and General, in full and pay over to the undersigned all assets remaining after such payment, the same to be applied pro rata on account of the said claims of Roentgen and Siemens, Berlin and Siemens, Switzerland and General hereby directed to be subordinated.

Executed at Washington, D. C., July 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12688; Filed, August 5, 1943; 9:41 a. m.]

[Subordination Order 5]

ORMA REALTY CORPORATION

In re: Orma Realty Corporation (Vesting Order Number 44)

Whereas all of the issued and outstanding shares of the capital stock of Orma Realty Corporation, a New York

corporation, were owned and held by Banco di Sicilia, Direzione Generale, Palermo, Italy, a national of a designated enemy country (Italy) and were vested by the undersigned by Vesting Order No. 44 dated July 1, 1942 (7 F.R. 5104, July 7, 1942); and

Whereas a certain promissory note in the amount of $314,455, dated May 5, 1938, executed by the aforesaid Orma Realty Corporation, payable on demand to the aforesaid Banco di Sicilia, and bearing interest at the rate of 3%, on which there is presently due and owing a balance of $158,500, together with accrued interest in the sum of $29,059.76, were vested by the undersigned by the aforesaid vesting order; and

Whereas Orma Realty Corporation is presently being liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Orma Realty Corporation was a wholly owned subsidiary of Banco di Sicilia, Direzione Generale, Palermo, Italy, and was dominated by it, and that both said business enterprises were in fact adjuncts and parts of a single organization; and

2. Finding that the advances by said Banco di Sicilia which resulted in the said promissory note above described were in the nature of capital contributions to Orma Realty Corporation, and that the transactions which gave rise to the said claim were of such nature and consummated under such circumstances as to indicate that the parties did not intend to create an enforceable debt obligation; and

3. Finding that the assets of Orma Realty Corporation are insufficient to pay all claims against it in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claim of Banco di Sicilia to the claims of other creditors of Orma Realty Corporation;

Hereby directs Orma Realty Corporation and its duly authorized officers to subordinate the claim of Banco di Sicilia in the sum of $158,500 and accrued interest in the sum of $29,059.76, as represented by the promissory note above-described, and heretofore vested by the undersigned as aforesaid to the claims of other creditors and claimants against Orma Realty Corporation; and further

Directs Orma Realty Corporation to pay all its other creditors in full and to deliver and pay over to the undersigned all assets remaining after such payments, the same to be applied on account of the balance due on the promissory note hereby directed to be subordinated.

Executed at Washington, D. C., July 31, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12689; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 646, Amdt.]

REAL PROPERTY OWNED BY WILHELM STENZEL, ET AL

Re: Certain real property in Barber County, Kansas, owned by Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, et al; File D-28-1440; E. T. sec. 104.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, Karl Hassel, Fritz Hassel, August Hassel, Auguste Schmidt Schwering, Marie Schmidt Rieso, Marie Hassel Wiegmann, Auguste Hassel, Gustave Hassel, Leni Hassel Meier, Carl Hassel, Jr. and Helmut Hassel and each of them, are residents of Germany and are nationals of a designated enemy country, Germany;

2. Finding that the said Wilhelm Stenzel, Gustave Stenzel, Wilhelm Hassel, Karl Hassel, Fritz Hassel, August Hassel, Auguste Schmidt Schwering, Marie Schmidt Rieso, Marie Hassel Wiegmann, Auguste Hassel, Gustave Hassel, Leni Hassel Meier, Carl Hassel, Jr. and Helmut Hassel and each of them, are the owners of the real property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

That certain real property, together with all fixtures, improvements and appurtenances thereto, situated in Barber County, State of Kansas, and particularly described as follows:

All that certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in Barber County, Kansas, bounded and described as follows:

Northwest Quarter (NW¼) of Section 9; East half of Southwest Quarter (E½SW¼) and West half of Southeast Quarter (W½SE¼) of Section 4, all in Township 31, Range 10, Barber County, Kansas.

is property within the United States owned by nationals of a designated enemy country, Germany;

4. Determining that to the extent that either or both of said nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons and each of them be treated as nationals of the aforesaid enemy country, Germany;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12690; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1888]

ESTATE OF MARY BARBATI

In re: Estate of Mary Barbati, deceased; File D-27-672; E. T. sec. 6342.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Union Trust Company of Pittsburgh, 439 Fifth Avenue, Pittsburgh, Pennsylvania, Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Battista Barbati	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Battista Barbati in and to the estate of Mary Barbati, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12691; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1889]

ESTATE OF JOHN FICKEN

In re: Estate of John Ficken, deceased; File D–28–2171; E.T. sec. 2854.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry Ficken, Administrator, acting under the judicial supervision of the District Court of the Eleventh Judicial District, Montana, in and for the County of Flathead;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany,

Nationals:	*Last known address*
Johan Meyer	Germany.
Hinrich Meyer	Germany.
Fridrich Ficken	Germany.
Hinrich Ficken	Germany.
Margarete Ficken	Germany.
Johan Ficken	Germany.
Wilhelm Ficken	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johan Meyer, Hinrich Meyer, Fridrich Ficken, Hinrich Ficken, Magarete Ficken, Johan Ficken and Wilhelm Ficken, and each of them, in and to the Estate of John Ficken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12692; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1890]

ESTATE OF MICHAEL FOX

In re: Estate of Michael Fox, deceased; File D–28–2175; E. T. sec. 2858.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Colorado National Bank, David Greenbaum, Raymond Fox, Michael Seligman and Michael Mendel, Executors, acting under the judicial supervision of the County Court, City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National:	*Last known address*
Hirsch Seligman or his descendants.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hirsch Seligman or his descendants, and each of them, in and to the Estate of Michael Fox, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12693; Filed, August 5, 1943; 9:41 a. m.]

[Vesting Order 1891]

TRUST UNDER WILL OF JOHN H. GANS

In re: Trust under will of John H. Gans, deceased; File D–28–1993; E. T. sec. 2042.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Central Hanover Bank and Trust Company, 70 Broadway, New York, N. Y., Trustee, acting under the judicial supervision of the Surrogate's Court, State of New York, in and for the County of Richmond; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
William Gans and his heirs	Germany.
Friederich Gans and his heirs	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of William Gans and his heirs and Friederich Gans and his heirs, in and to the Trust Estate created under the Last Will and Testament of John H. Gans, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12694; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1892]

LIQUIDATION OF INTEGRITY TRUST CO.

In re: Liquidation of Integrity Trust Company; File D–28–2263; E. T. sec. 2978.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Secretary of Banking, Commonwealth of Pennsylvania, Receiver, acting under the judicial supervision of Court of Common Pleas, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany namely,

Nationals:	*Last known address*
Henry Kiefer	Germany.
Katharine Kiefer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash as follows:

Henry Kiefer	$146.63
Katharine Kiefer, paid-up life insurance policy in the amount of	2,500.00

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12695; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1893]

ESTATE OF ANTONI AND ALICE JABLONSKI

In re: Estate of Antoni and Alice Jablonski, debtors (in bankruptcy); File D–28–3840; E.T. sec. 6497.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chicago Title and Trust Company, 69 West Washington Street, Chicago, Illinois, Distributing Agent, acting under the judicial supervision of the District Court of the United States for the Northern District of Illinois, Eastern Division;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Anna Kuhn	16 Uhland Strasse, Wurzburg, Bayern, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Kuhn in and to the bankrupt estate of Antoni and Alice Jablonski, debtors,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12696; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1894]

TRUST UNDER WILL OF ELIZABETH B. L. KING

In re: Trust under the will of Elizabeth B. L. King, deceased; File No. D–38–1198; E. T. sec. 4565.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Guaranty Trust Company of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Lydia Morelli	Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order

or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lydia Morelli in and to a trust created under the Will of Elizabeth B. L. King, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12697; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1895]

ESTATE OF PETER MANTINO

In re: Estate of Peter Mantino, also known as Peter Martino, deceased; File D–38–1185; E. T. sec. 3420.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Walsh Administratrix, acting under the Judicial supervision of the District Court of Silver Bow County, Montana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy namely,

Nationals:	*Last known address*
Catterina Mantino	Italy.
Vedona Coquatti	Italy.
Sam Antonio	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interests,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Catterina Mantino, Vedona Coquatti, and Sam Antonio, and each of them, in and to the Estate of Peter Mantino, also known as Peter Martino, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12698; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1896]

ESTATE OF AUGUST NORDMAN

In re: Estate of August Nordman, deceased; File D–28–3578; E. T. sec. 5832.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lee Ora Nordman, c/o W. S. Sims, Route 3, Charlotte, North Carolina, Administratrix, acting under the judicial supervision of the Superior Court of Mecklenburg County, North Carolina;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Theodore Paul Nordman	Germany.
William August Nordman	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Theodore Paul Nordman and William August Nordman, and each of them, in and to the estate of August Nordman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12699; Filed, August 5, 1943; 9:42 a. m.]

[Vesting Order 1897]

ESTATE OF HERMAN OTTO

In re: Estate of Herman Otto, deceased; File D–28–3645; E. T. sec. 6004.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by G. C. Wyland, Avoca, Iowa, Administrator with Will Annexed, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Pottawattamie;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Emiel Otto	Germany.
Elizabeth Otto	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emiel Otto and Elizabeth Otto, and each of them, in and to the estate of Herman Otto, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12700; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1898]

ESTATE OF ANNA SAFKO

In re: Estate of Anna Safko, deceased; File D–66–963; E.T. sec. 6102.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Macoupin of State of Illinois, as depositary, acting under the judicial supervision of the County Court of Macoupin County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National:	*Last known address*
Rosa Tressl, also known as Rosa Tressel.	Mecsek, Sololcs, Hungary

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Rosa Tressl, also known as Rosa Tressel, in the sum of $2,000.00, which amount was deposited in the County Treasury of Macoupin County, Illinois, for the use of the said designated national, in accordance with the Executor's Report and Court Order dated September 28, 1940, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12701; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1899]

ESTATE OF ANDREW SCHINE

In re: Estate of Andrew Schine, deceased; File D–38–1647; E. T. sec. 3564.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James E. Kremer, Administrator, acting under the judicial supervision of the Orphans' Court in and for the County of Cascade, State of Montana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Jacob Sajne	Italy.
Frank Sajne	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Jacob Sajne and Frank Sajne, and each of them, in and to the Estate of Andrew Schine, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12702; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1900]

ESTATE OF JOHN SCHREIBER

In re: Estate of John Schreiber, also known as John Scheiba, deceased; File D–28–2447; E.T. sec. 3461.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America, National Trust & Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Joseph Sombetzki, also known as Joseph Brandt, and his surviving issue.	Germany.
Franz Sombetzki, also known as Franz Brandt, and his surviving issue.	Germany.
Paul Sombetzki, also known as Paul Brandt, and his surviving issue.	Germany.
Martha Pitthofer and her surviving issue.	Germany.
Maria Kaese and her surviving issue.	Germany.
Martha Biernath and her surviving issue.	Germany.
Martha Wenselowski and her surviving issue.	Germany.
Agnes Brieskorn and her surviving issue.	Germany.
Bruno Scheibe and his surviving issue.	Germany.
Franz Scheibe and his surviving issue.	Germany.
August Sombetzki, also known as August Brandt, and his surviving issue.	Germany.
Helmut Jarecki	Germany.
Alfred Jarecki	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Sombetzki, also known as Joseph Brandt, and his surviving issue, Franz Sombetzki, also known as Franz Brandt, and his surviving issue, Paul Sombetzki, also known as Paul Brandt, and his surviving issue, Martha Pitthofer and her surviving issue, Maria Kaese and her surviving issue, Martha Biernath and her surviving issue, Martha Wenselowski and her surviving issue, Agnes Brieskorn and her surviving issue, Bruno Scheibe and his surviving issue, Franz Scheibe and his surviving issue, August Sombetzki, also known as August Brandt, and his surviving issue, Helmut Jarecki, Alfred Jarecki, and each of them, in and to the Estate of John Schreiber, also known as John Scheiba, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12703; Filed, August 5, 1943; 9:43 a. m.]

[Vesting Order 1901]

ESTATE OF SOPHIE SEIPP

In re: Estate of Sophie Seipp, deceased; File No. D–28–3584; E. T. sec. 5791.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Mrs. Marie Baumann	#6 Vormbaumstrasse, Bielefeld, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Mrs. Marie Baumann in the sum of $500.00, which amount was deposited with the Treasurer of Cook County, Illinois, on April 1, 1941, pursuant to order of the court of March 31, 1941, to the credit of the aforesaid national,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–12704; Filed, August 5, 1943; 9:44 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under R03]

SUGAR IN CERTAIN TENNESSEE COUNTIES

ORDER GRANTING TEMPORARY INCREASES IN ALLOTMENT NECESSITATED BY MILITARY MANEUVERS

Order No. 3 issued pursuant to § 1407.86b under Rationing Order No. 3 [1]—Sugar Rationing Regulations.

Military maneuvers of the armed forces of the United States are to be held in the counties of Bedford, Cannon, Clay, Coffee, DeKalb, Franklin, Jackson, Macon, Moore, Putnam, Rutherford, Smith, Sumner, Trousdale, Warren, White, and Wilson, in the State of Tennessee, during a substantial part of the remainder of 1943.

The undersigned finds that these military maneuvers will cause temporary abnormal demands for sugar-containing products within the counties named and they are hereby defined as the area affected by this order. The undersigned also finds that certain temporary increases in the allotments of registering units delivering such products within the affected area will be necessary in consequence of such abnormal demands.

Accordingly, pursuant to the authority vested in the Director of the Food Rationing Division of the Office of Price Administration by § 1407.86b of Rationing Order No. 3,

It is hereby ordered, That a registering unit which during January and

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304.

February 1943 delivered within the affected area products in which it used 25 per cent or more of the total amount of sugar used by it in all products it delivered during those months may apply to the board on OPA Form R-315 for a temporary increase of its July-August, September-October, and November-December 1943 allotments. The amount of the temporary increases shall be determined as follows:

(a) The amount of sugar used by it in the products it delivered within the affected area during January and February 1943 shall be divided by the total amount of sugar used by it in all the products it delivered during those months.

(b) The temporary increase to be granted in the registering unit's July–August 1943 allotment shall be computed by

(1) Multiplying its July–August allotment by the figure obtained in (a) and

(2) Taking 10 per cent of the figure obtained in (1).

(c) The temporary increase to be granted in the registering unit's September–October 1943 allotment shall be computed by

(1) Multiplying its September–October allotment by the figure obtained in (a) and

(2) Taking 15 percent of the figure obtained in (1).

(d) The temporary increase to be granted in the registering unit's November–December 1943 allotment shall be computed by

(1) Multiplying its November–December allotment by the figure obtained in (a) and

(2) Taking 15 per cent of the figure obtained in (1).

Application for the temporary increases in the July–August, and the September–October allotments shall be made on or before September 5, 1943, and in the November–December allotment on or before November 5, 1943. However, application for the temporary increases for the September–October and November–December allotments may be made after such dates, but in such case the board shall reduce such temporary increases by the amount allocable to the expired portion of the allotment period, in the proportion which the number of days which have elapsed from the start of the period bears to the total number of days in that period.

A registering unit may use an increase provided by this order only in products to be delivered by it within the affected area. As a further condition of using the increase, it must, in addition to its delivery of these products, continue to deliver within the affected area during July, August, September, October, November, and December 1943, at least the same proportion of its products, in sugar content (counting only sugar used by it), as it delivered within the affected area during January and February 1943.

As used in this order the term "registering unit" refers only to the industrial users which are included within such registering unit.

This order shall become effective August 5, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1 and Supp. Dir. 1E, 7 F.R. 662, 2965; Food Dir. 3, 8 F.R. 2005; § 1407.86b, Rationing Order 3)

Issued this 4th day of August 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43-12673; Filed, August 4, 1943; 2:20 p. m.]

[Order 4 Under RO 3]

SUGAR IN CERTAIN LOUISIANA AND TEXAS AREAS

ORDER GRANTING TEMPORARY INCREASES IN ALLOTMENTS NECESSITATED BY MILITARY MANEUVERS

Order No. 4 issued pursuant to § 1407.86b under Rationing Order No. 3[1]—Sugar Rationing Regulations.

Military maneuvers of the armed forces of the United States are to be held in the parishes of Allen, Beauregard, and Vernon in the State of Louisiana and the county of Newton in the State of Texas during a substantial part of the remainder of 1943.

The undersigned finds that these military maneuvers will cause temporary abnormal demands for sugar-containing products within the parishes and the county named and they are hereby defined as the area affected by this order. The undersigned also finds that certain temporary increases in the allotments of registering units delivering such products within the affected area will be necessary in consequence of such abnormal demands.

Accordingly, pursuant to the authority vested in the Director of the Food Rationing Division of the Office of Price Administration by § 1407.86b of Rationing Order No. 3,

It is hereby ordered, That a registering unit which during January and February 1943 delivered within the affected area products in which it used 25 per cent or more of the total amount of sugar used by it in all products it delivered during those months may apply to the board on OPA Form R-315 for a temporary increase of its July–August and September–October 1943 allotments. The amount of the temporary increases shall be determined as follows:

(a) The amount of sugar used by it in the products it delivered within the affected area during January and February 1943 shall be divided by the total amount of sugar used by it in all the products it delivered during those months.

(b) The temporary increase to be granted in the registering unit's July–August 1943 allotment shall be computed by:

(1) Multiplying its July–August allotment by the figure obtained in (a) and

(2) Taking half of the figure obtained in (1).

(c) The temporary increase to be granted in the registering unit's September–October 1943 allotment shall be computed by

(1) Multiplying its September–October allotment by the figure obtained in (a) and

(2) Taking 65 per cent of the figure obtained in (1).

Application for the temporary increases authorized by this order shall be made on or before September 5, 1943. However, application for the temporary increase in the September–October allotment may be made after such date, but in such case the board shall reduce the temporary increase by the amount allocable to the expired portion of the September–October allotment period, in the proportion which the number of days which have elapsed from the start of the period bears to the total number of days in that period.

A registering unit may use an increase provided by this order only in products to be delivered by it within the affected area. As a further condition of using the increase, it must, in addition to its deliveries of these products, continue to deliver within the affected area during July, August, September, and October 1943, at least the same proportion of its products, in sugar content (counting only sugar used by it), as it delivered within the affected area during January and February 1943.

As used in this order the term "registering unit" refers only to the industrial users which are included within such registering unit.

This order shall become effective August 5, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1 and Supp. Dir. 1E, 7 F.R. 662, 2965; Food Dir. 3, 8 F.R. 2005; § 1407.86b, Rationing Order 3.)

Issued this 4th day of August 1943.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 43-12674; Filed, August 4, 1943; 2:20 p. m.]

[Order 107 Under RPS 64]

SUPREME FOUNDRY & MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 107 under § 1356.10 (a) of Revised Price Schedule No. 64[1]—Domestic Cooking and Heating Stoves—Approval of maximum price for a gas plate manufactured by Supreme Foundry & Manufacturing Company, Belleville, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304.

[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6821, 8948; 8 F.R. 1974, 4940, 4930, 5633, 9213.

amended, and Executive Order No. 9250, *It is ordered:*

(a) *Sales by Supreme Foundry & Manufacturing Company, Belleville, Illinois.* Supreme Foundry and Manufacturing Company may sell and deliver its model V–6 gas plate at a price no higher than $2.83 f. o. b. factory to dealers, subject to percentage discounts, allowances, and terms for sales to distributors, jobbers, mail order houses, and other classes of purchasers, no less favorable than those in effect with respect to its model 2–6 as established under Revised Price Schedule No. 64.

(b) *Sales of this model by distributors and dealers.* Distributors and dealers (whose maximum prices for the model V–6 manufactured by the Supreme Foundry & Manufacturing Company were formerly fixed by the General Maximum Price Regulation [2]) may sell this model at prices no higher than those arrived at by the following method:

The distributor finds the highest percentage markup which he received on sales of the model 2–6 gas plate during the month of March 1942, to each class of purchaser. His maximum price to each class of purchaser is found by applying that percentage markup to the manufacturer's maximum price for sales to him, as fixed by this order. If the distributor did not sell the model 2–6 gas plate model during March 1942, then his maximum price is determined under the provisions of section 3 (a) of the General Maximum Price Regulation.

The dealer finds the highest percentage markup which he received on sales of the model 2–6 gas plate during the month of March 1942. His maximum price is found by applying that percentage markup to the maximum price for sales to him. If the dealer did not sell the model 2–6 during March, 1942, then his maximum price is the price determined under section 3 (a) of the General Maximum Price Regulation.

(c) *Notification of manufacturers and dealers.* On the first sale of its model V–6 gas plate after the effective date of this order, the Supreme Foundry & Manufacturing Company shall notify the buyer of the method of calculating maximum prices fixed by this order, for sales by such buyer. Each distributor shall, on the first sale of the model V–6 gas plate after the effective date of this order, notify the dealer of the method of calculating maximum prices for sales by dealers, fixed by this order.

(d) This Order No. 107 shall become effective on the 5th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12671; Filed, August 4, 1943; 2:12 p. m.]

[2] 8 F.R. 3030, 3649, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 3, 1943.

Order Number and Name

RPS 7, Order 3, Kilburn Mill.
MPR 163, Order 17, Bernard Schildkraut Inc.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12683; Filed, August 4, 1943; 4:24 p. m.]

[Order 226 Under MPR 188, Amdt. 1]

CONSUMERS' ARTICLES CONTAINING NEWLY MINED DOMESTIC SILVER

MAXIMUM PRICES FOR SALES

Amendment No. 1 to Order No. 226 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.

Order No. 226 is amended in the following respects:

1. Paragraph (d) is amended by inserting after the phrase "The provisions of the General Maximum Price Regulation", the phrase "or Maximum Price Regulation No. 210, whichever is applicable."

2. Paragraph (e) is amended by inserting after the phrase "under the General Maximum Price Regulation", the phrase "or Maximum Price Regulation No. 210, whichever is applicable."

3. Paragraph (f) is amended by inserting after the phrase "under the General Maximum Price Regulation," the phrase "or Maximum Price Regulation No. 210, whichever is applicable."

This amendment shall become effective August 5, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12672; Filed, August 4, 1943; 2:12 p. m.]

Regional, State, and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 3, 1943.

REGION II

District of Columbia Order 4, Amendment 1, Filed 3:19 p. m.
Philadelphia Order I–B—Correction—Filed 3:18 p. m.

REGION III

Detroit Order 5, Amendment 2, Filed 3:13 p. m.
Detroit Order 7, Filed 3:14 p. m.
Indianapolis Order 9, Filed 3:17 p. m.
Lexington Order 8, Filed 3:17 p. m.
Iron Mountain Order 12, Filed 3:18 p. m.
Grand Rapids Order 3, Amendment 2, Filed 3:13 p. m.
Saginaw Order 13, Amendment 1, Filed 3:14 p. m.
Saginaw Order 13, Amendment 2, Filed 3:16 p. m.
Saginaw Order 13, Amendment 3, Filed 3:16 p. m.
Saginaw Order 14, Amendment 2, Filed 3:16 p. m.
Saginaw Order 14, Amendment 3, Filed 3:16 p. m.
Saginaw Order 15, Amendment 1, Filed 3:16 p. m.
Saginaw Order 16, Amendment 1, Filed 3:16 p. m.

REGION IV

South Carolina Order 5, Filed 3:19 p. m.

REGION V

Little Rock, Arkansas Order 4, Amendment 1, Filed 3:20 p. m.
Little Rock, Arkansas Order 5, Amendment 1, Filed 3:20 p. m.

REGION VI

Springfield Order 5, Amendment 2, Filed 3:19 p. m.
Springfield Order 7, Amendment 1, Filed 3:19 p. m.
Springfield Order 8, Amendment 1, Filed 3:20 p. m.
Springfield Order 10, Amendment 1, Filed 3.20 p. m.
Fargo-Moorhead Order 4, Amendment 1, Filed 3:20 p. m.

REGION VII

Utah Order 6, Filed 3:21 p. m.

REGION VIII

Seattle Order 3, Amendment 8, Filed 3:23 p. m.
Seattle Order 4, Amendment 8, Filed 3:23 p. m.
Seattle Order 8, Amendment 5, Filed 3:21 p. m.
Los Angeles Order 3, Amendment 4, Correction, Filed 3:21 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43–12675; Filed, August 4, 1943; 2:25 p. m.]

[Region III Order G–20 Under 18 (c)]

MILK IN STATE OF MICHIGAN

Order No. G–20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan. (Formerly Order No. III–1499.18 (c)–29).

For the reasons set forth in the opinion attached hereto, and pursuant to the au-

thority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulations and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280, *it is hereby ordered*, That:

I. *Sales of fluid whole milk.* Any person may sell or deliver fluid whole milk at retail or wholesale in any County in the State of Michigan at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulations, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the maximum prices set forth in the schedule under the applicable paragraph in Schedule A hereof.

II. *Sales of special milk.* A. Except as hereinafter provided in paragraph B of this section II, any person selling special milk, as hereinafter defined, at retail or wholesale in any County in the State of Michigan who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase to the retail and wholesale prices of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation.

B. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding Paragraph A shall in no event exceed the adjusted maximum price of fluid whole milk (raw or pasteurized regular, standard milk) established under the applicable provisions of this order.

C. If any person selling special milk at retail or wholesale in any County in the State of Michigan canot determine his maximum prices for such special milk under the provisions of paragraph A or B of this section II, he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butter-fat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraph A and B hereof.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3¼¢ would be 78¢.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each such person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of Michigan may discontinue the granting of discounts.

VI. *Sales tax.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of Michigan may add to the maximum prices established for him under this order the amount of any sales taxes imposed by the State of Michigan upon the sale of milk.

VII. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VIII. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. *Fluid whole milk and special milk.* 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

2. "Special milk" is defined to mean vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942 at a price higher than regular or standard milk. For the purposes of this order, special milk does not include certified milk, lactic acid milk and acidophilus milk.

C. "Sale or delivery at retail" means a sale or sales of fluid whole milk or special milk in glass, paper, or other containers to an ultimate consumer, other than an industrial or commercial user.

D. "Sale or delivery at wholesale" refers to a sale of fluid whole milk or special in glass, paper, or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a distributor.

IX. This order shall remain in effect until modified or revoked by the Regional Administrator.

Issued January 30, 1943.

Effective February 1, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

1. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in counties of Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Benzie, Berrien, Branch, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Emmet, Gladwin, Grand Traverse, Gratiot, Huron, Ionia, Iesco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, St. Joseph, Sanilac, Tuscola, Van Buren, and Wexford in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Retail	Glass or paper	½ pint	5 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	44 cents per gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	11 cents per quart.
Wholesale	Glass or paper	1 pint	6 cents per pint.
Wholesale	Glass or paper	½ pint	3¼ cents per ½ pint.

2. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Bay, Eaton, Hillsdale, Kalamazoo, Kent, Lapeer, Midland, Muskegon, Ottawa, Saginaw, and Shiawassee in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum prices
Retail	Glass or other	1 gallon or multiples thereof	50 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	13½ cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Retail	Glass or paper	½ pint	5 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	46 cents per gallon.
Wholesale	Glass, paper or other	1 quart or multiples thereof	11½ cents per quart.
Wholesale	Glass or paper	1 pint	6¼ cents per pint.
Wholesale	Glass or paper	½ pint	3¼ cents per ½ pint.

3. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Calhoun, Ingham, Jackson, Lenawee and Livingston in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	51 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	14 cents per quart.
Retail	Glass or paper	1 pint	8 cents per pint.
Retail	Glass or paper	½-half pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Wholesale	Glass, paper or other	1 quart or multiples thereof	12 cents per quart.
Wholesale	Glass or paper	1 pint	6½ cents per pint.
Wholesale	Glass or paper	½-pint	3¾ cents per ½ pint.

4. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Genesee, Monroe, St. Clair, and Washtenaw in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	52 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	14½ cents per quart.
Retail	Glass or paper	1 pint	8½ cents per pint.
Retail	Glass or paper	½ pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	12½ cents per quart.
Wholesale	Glass or paper	1 pint	7 cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

5. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Macomb, Oakland, and Wayne in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	53 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	15 cents per quart.
Retail	Glass or paper	1 pint	9 cents per pint.
Retail	Glass or paper	½ pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	49 cents per gallon.
Wholesale	Glass, paper or other	1 quart or multiples thereof	13 cents per quart.
Wholesale	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or paper	½ pint	4 cents per ½ pint.

6. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the counties of Keweenaw, Houghton, Ontonagon, Baraga, Gogebic, Iron, Marquette, Dickinson, Menominee, Delta, Alger, Schoolcraft, Mackinac, Luce, and Chippewa in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Retail	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or other	1 gallon or multiples thereof	44 cents per gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	11 cents per quart.
Wholesale	Glass or paper	1 pint	6 cents per pint.
Wholesale	Glass or paper	½ pint	3¼ cents per ½ pint.

[F. R. Doc. 43-12656; Filed, August 4, 1943; 11:58 a. m.]

[Region III Order G-24 Under 18 (c)]

Milk in Allen County, Ind.

Order No. G-24 (formerly Order No. III-1499.18 (c)-38) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusting the maximum prices of fluid milk and special milk sold at retail and wholesale in Allen County in the State of Indiana.

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of the Maximum Price Regulation No. 280, *It is hereby ordered*, That:

1. *Sales of fluid whole milk.* Any person may sell or deliver fluid whole milk at retail or wholesale in Allen County in the State of Indiana at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280, or (2) the maximum prices set forth in the following schedule, whichever are greater.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	52 cents per gallon.
Retail	Glass or paper	½ gallon	27 cents per ½ gallon.
Retail	Glass or paper	1 quart	14 cents per quart.
Retail	Glass or paper	1 pint	8½ cents per pint.
Retail	Glass or paper	½ pint	7 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	47 cents per gallon.
Wholesale	Glass or paper	½ gallon	24 cents per ½ gallon.
Wholesale	Glass or paper	1 quart	12 cents per quart.
Wholesale	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint

Sale of special milk. A. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at retail in Allen County in the State of Indiana who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the retail quart price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase or increases to the retail quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

B. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at wholesale in Allen County in the State of Indiana who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the wholesale quart price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase to the wholesale quart price (or a proportional amount of such increase in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

C. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding paragraphs A and B shall in no event exceed the adjusted maximum price of fluid whole milk (raw or pasteurized regular, standard milk) established under section I hereof.

D. If any person selling special milk at retail or wholesale in Allen County in the State of Indiana cannot determine his maximum prices for such special milk under the provisions of Paragraphs A, B, or C of this section II, he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most

closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraphs A, B, or C hereof.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc. Home deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3¾¢ would be 90¢.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each person shall, in addition to the above, file with the Regional Office of Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in Allen County in the State of Indiana may discontinue the granting of discounts.

VI. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VII. The provisions of this order supersede the provisions of General Order No. 1 (Redesignated as Order No. G–17 Under § 1499.18 (c), as amended, of the General Maximum Price Regulation) pertaining to certain trade practices in Region III. Said General Order No. 1 is, therefore, revoked as to Allen County in the State of Indiana.

VIII. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. *Fluid whole milk and special milk.* 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

2. "Special milk" is defined to mean vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942 at a price higher than regular or standard milk.

C. "Sale or delivery at retail" means a sale of fluid whole milk or special milk in glass, paper or other containers to an ultimate consumer other than to an industrial, institutional, commercial or governmental user.

D. "Sale or delivery at wholesale" refers to a sale of fluid whole milk or special milk in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by cooling station to a manufacturing plant or to a distributor.

IX. This order shall remain in effect until modified or revoked by the Regional Administrator.

Issued February 17, 1943.
Effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12657; Filed, August 4, 1943; 11:59 a. m.]

[Region III Order G–25 Under 18 (c)]

MILK IN STATE OF OHIO

Order No. G–25 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. General order adjusting the maximum prices of approved fluid milk and special milk in the State of Ohio. (Formerly Order No. III–1499.18 (c)–43.)

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280 and § 1351.408 of Maximum Price Regulation No. 329, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation, § 1351.803 of Maximum Price Regulation No. 280 and § 1351.402 of Maximum Price Regulation No. 329, *It is hereby ordered,* That:

I. *Sales of approved fluid milk.* Any person may sell or deliver approved fluid milk at retail or wholesale in any County in the State of Ohio at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the maximum prices set forth in the section of Schedule A hereof which is applicable to the County or Township in which the sale or purchase is made, whichever are greater.

II. *Sales of special milk.* A. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at retail in any County in the State of Ohio who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the retail quart price of approved fluid milk sold by him, may add an amount equal to such increase or increases to the retail quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

B. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at wholesale in any County in the State of Ohio who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the wholesale quart price of approved fluid milk sold by him, may add an amount equal to such increase or increases to the wholesale quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

C. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding paragraphs A and B shall in no event exceed the adjusted maximum price of approved fluid milk established under the applicable provisions of this order.

D. If any person selling special milk at retail or wholesale in any County in the State of Ohio cannot determine his maximum prices for such special milk under the provisions of paragraphs A, B or C of this section II, he may apply by letter to the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat con-

tent of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraphs A, B or C hereof.

III. *Maximum prices to producers.* The provisions of "Region III order adjusting milk distributors' maximum prices to producers, Order No. VC–329–14" are hereby incorporated in and made a part of this order, and for the purposes of this section III the effective date of said Order No. CV–329–14 shall be deemed to be March 2, 1943.

IV. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc. Home deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3½¢ would be 84¢.

V. *Reports.* A. Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

B. Each milk distributor increasing his price to producers for whole milk in a raw and unprocessed state pursuant to the provisions of this order shall, within five (5) days after such action, notify the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

C. Each person shall, in addition to the above, file with the Office of Price Administration, Cleveland Regional Office, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

VI. *Discounts.* Any person selling approved fluid milk and/or special milk at retail or wholesale in the State of Ohio may discontinue the granting of discounts.

VII. *Notification of retail stores.* Each distributor selling approved fluid milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VIII. The provisions of this order supersede the provisions of the following orders which have previously been issued by the Regional Administrator of Region III:

General Order No. 1

Order No. III–1499.18 (c)–1: In the matter of Deerlick Dairy, Leonardsburg, Ohio.

Order No. III–1499.18 (c)–2: Order adjusting the maximum prices of fluid milk at retail and wholesale in the Counties of Erie and Ottawa in the State of Ohio.

Order No. III–1499.18 (c)–4: Order adjusting the maximum prices of the Soeder Sons Milk Company for fluid milk sold at wholesale to the Cleveland Board of Education.

Order No. III–1499.18 (c)–5: Order adjusting the maximum prices of fluid milk sold at retail and wholesale in the County of Warren and in Municipality of Middletown and its environs in Butler County in the State of Ohio.

Order No. III–1499.18 (c)–6: Order adjusting the maximum prices of fluid milk at wholesale to the Cleveland Board of Education.

Order No. III–1499.18 (c)–9: Order adjusting the maximum prices of fluid milk sold at retail and wholesale in the Municipality of Hicksville (and its immediate environs) in the State of Ohio.

Order No. III–1499.18 (c)–10: Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the Counties of Cabell and Wayne in the State of West Virginia, and in the Counties of Galia and Lawrence in the State of Ohio.

Order No. III–1499.18 (c)–11: Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the counties of Butler (except area within corporate limits of Middletown), Preble, Darke, Miami, Montgomery, Clermont, Brown, Clinton, Green, Clark, Champaign, Logan, Union, Madison, Fayette, Highland, Adams, Pike, Ross, Pickaway, Franklin, Delaware, Marion, Morrow, Knox, Scioto, Licking, and Fairfield, all located in Ohio, and the various Municipalities, within the limits of such Counties.

Order No. III–1499.18 (c)–16: Order adjusting the maximum prices of fluid whole milk sold at retail and wholesale in the Eastern and Northern Ohio Area.

Order No. III–1499.18 (c)–33: Order adjusting the maximum prices of fluid whole milk and special milk at retail and wholesale in the County of Lucas in the State of Ohio.

Said Orders Nos. III–1499.18 (c)–1, 2, 4, 5, 6, 9, 10, 11, 16 and 33 are, therefore, revoked, and General Order No. 1 is revoked as to all Counties in the State of Ohio.

IX. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. "Milk distributor" is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases whole milk in a raw and unprocessed state for the purpose of resale as fluid whole milk in glass, paper or other containers.

C. *Approved fluid milk and special milk.* 1. "Approved fluid milk" is defined to mean fluid cow's milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the Army or Navy purchasing officer making purchases for the Armed Forces of the United States.

2. "Special milk" is defined to mean vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, approved fluid milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than approved fluid milk, and (b) it must have sold during the month of March, 1942 at a price higher than approved fluid milk.

D. "Sale or delivery at retail" means a sale of approved fluid milk or special milk in glass, paper or other containers to an ultimate consumer, other than to an industrial, institutional, commercial or governmental user.

E. "Sale or delivery at wholesale" refers to a sale of approved fluid milk or special milk, in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a manufacturing plant or to a distributor.

X. This order shall remain in effect until modified or revoked by the Regional Administrator.

This Order No. G–25 shall become effective March 1, 1943.

Issued March 1, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

I. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Butler, Cuyahoga, Hamilton, Lucas, Montgomery, Stark and Summit; and in the Townships of Colerain, Mead, Pease, Pultney, Richland and York in the County of Belmont; the Townships of Liverpool, St. Clair and Yellow Creek in the County of Columbiana; the Townships of Addison, Cheshire, Clay, Gallipolis, Guyan and Ohio in the County of Gallia; the Townships of Bainbridge, Chardon, Chester, Munson and Russell in the County of Geauga; the Townships of Cross Creek, Island Creek, Knox, Saline, Steubenville, Warren and Wells in the County of Jefferson; the Townships of Concord, Kirtland, Mentor, Painsville and Willoughby in the County of Lake; the Townships of Fayette, Hamilton, Perry, Rome, Union and Upper in the County of Lawrence; the Townships of Avon, Avon Lake, Black River, Carlisle, Columbia, Eaton, Elyria, Grafton, LaGrange, Ridgeville and Sheffield in the County of Lorain; the Townships of Brunswick, Granger, Hinckley, Liverpool, Sharon and Wadsworth in the County of Medina; the Townships of Atwater, Aurora, Brimfield, Charlestown, Edinburg, Franklin, Freedom, Hiram, Mantua, Nelson, Paris, Randolph, Ravenna, Rootstown, Sharlersville, Streetsboro, Suffield and Windham in the County of Portage; and the Townships of Lake, Perrysburg and Ross in the County of Wood, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	51 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	28 cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	15 cents per quart.
Retail	Glass or paper	1 pint	9 cents per pint.
Retail	Glass or paper	½ pint	7 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	25 cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Wholesale	Glass or paper	1 pint	8 cents per pint.
Wholesale	Glass or paper	½ pint	4 cents per ½ pint.

II. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the counties of Ashtabula, Mahoning and Trumbull; and in the Townships of Butler, Center, Elk Run, Fairfield, Franklin, Hanover, Knox, Madison, Middleton, Salem, Perry, Unit, Washington, Wayne, and West in the county of Columbiana; the Townships of Auburn, Burton, Claridon, Hambden, Huntsburg, Middlefield, Montville, Newbury, Parkman, Thompson, and Troy in the county of Geauga; the townships of Leroy, Perry, and Madison in the county of Lake; the townships of Deerfield and Palmyra in the county of Portage, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	50 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	30 cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	14½ cents per quart.
Retail	Glass or paper	1 pint	8½ cents per pint.
Retail	Glass or paper	½ pint	7 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	45 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	27 cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	12½ cents per quart.
Wholesale	Glass or paper	1 pint	7½ cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

III. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the counties of Adams, Allen, Ashland, Athens, Auglaize, Brown, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Delaware, Erie, Fairfield, Fayette, Franklin, Greene, Guernsey, Hardin, Harrison, Hancock, Highland, Hocking, Holmes, Huron, Jackson, Knox, Licking, Logan, Madison, Marion, Meigs, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Pickaway, Pike, Preble, Richland, Ross, Sandusky, Seneca, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, Washington, Wayne and Wyandot; and in the Townships of Flushing, Goshen, Kirkwood, Somerset, Smith, Union, Warren, Washington, Wayne, and Wheeling in the county of Belmont; the Townships of Green, Greenfield, Harrison, Huntington, Morgan, Perry, Raccoon, Springfield, and Walnut in the county of Gallia; the townships of Brush Creek, Springfield, Ross, Salem, Wayne, Smithfield, and Mount Pleasant in the county of Jefferson; the townships of Aid, Decatur, Elizabeth, Lawrence, Mason, Symmes, Washington, and Windsor in the county of Lawrence; the townships of Amherst, Brighton, Brownhelm, Camden, Henrietta, Huntington, Penfield, Pittsfield, Rochester, Russia, and Wellington in the county of Lorain; the townships of Chatham, Guilford, Harrisville, Homer, Lafayette, Litchfield, Medina, Montville, Spencer, Westfield, and York in the county of Medina; the townships of Bloom, Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton, Milton, Montgomery, Perry, Plain, Portage, Troy, Washington, Webster, and Weston in the county of Wood, all in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	48 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	26 cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	14 cents per quart.
Retail	Glass or paper	1 pint	8 cents per pint.
Retail	Glass or paper	½ pint	6 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	45 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	23 cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	12 cents per quart.
Wholesale	Glass or paper	1 pint	6½ cents per pint.
Wholesale	Glass or paper	½ pint	3¾ cents per ½ pint.

IV. Adjusted maximum prices for the sale of approved fluid milk at retail or wholesale in the Counties of Darke, Defiance, Fulton, Henry, Mercer, Paulding, Putnam, Van Wert and Williams in the State of Ohio.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	1 gallon or multiples thereof	45 cents per gallon.
Retail	Glass or paper	½ gallon or multiples thereof	24½ cents per ½ gallon.
Retail	Glass or paper	1 quart or multiples thereof	13 cents per quart.
Retail	Glass or paper	1 pint	7½ cents per pint.
Retail	Glass or paper	½ pint	5 cents per ½ pint.
Wholesale	Glass or other	1 gallon or multiples thereof	42 cents per gallon.
Wholesale	Glass or paper	½ gallon or multiples thereof	21½ cents per ½ gallon.
Wholesale	Glass or paper	1 quart or multiples thereof	11 cents per quart.
Wholesale	Glass or paper	1 pint	6 cents per pint.
Wholesale	Glass or paper	½ pint	3¼ cents per ½ pint.

[F. R. Doc. 43-12658; Filed, August 4, 1943; 12:00 m.]

[Region IV Order G-1 Under SR 14]

Fluid Milk in Ben Hill County, Ga.

Order No. G-1 under § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Formerly Atlanta Regional Price Order No. 14-34-1.) Adjustment of fluid milk prices for Ben Hill County, Georgia.

The Regional Administrator of the Office of Price Administration for Region IV has determined upon his own motion that the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale of fluid milk has established an abnormal differential between the prices charged for fluid whole milk in the community of Fitzgerald, Ben Hill County, Georgia, and other surrounding communities. The Regional Administrator has further found that the abnormal differential which has been established is causing a diversion of a material portion of the normal supply of fluid whole milk from the community of Fitzgerald to other communities, and that there is a serious shortage of such milk in that locality. So far as practicable the Regional Administrator has advised and consulted with representative members of the industry which will be affected by this order and the prices herein established have been discussed with such persons.

In the judgment of the Regional Administrator the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to relieve the condition of shortage of fluid whole milk now existing in the locality of Fitzgerald, Ben Hill County, Georgia.

Therefore, under the authority vested in the Regional Administrator, by Amendment 34 to Supplementary Regulation 14 to the General Maximum Price Regulation issued September 26, 1942, Atlanta Regional Order No. G-1 is hereby issued.

I. *Adjusted maximum prices for fluid whole milk.* On and after November 9th, 1942, the maximum price for fluid whole milk sold and delivered in the locality of Fitzgerald, Ben Hill County, Georgia, by any person at wholesale shall be 12¢ per quart and 7¢ per pint; and the maximum price for fluid whole milk sold and delivered in the locality of Fitzgerald, Ben Hill County, Georgia, by any person at retail shall be 14¢ per quart and 8¢ per pint.

II. *Definitions.* For the purposes of this order:

(1) "Locality of Fitzgerald, Ben Hill County, Georgia" shall mean the area included within the boundaries of the County of Ben Hill.

(2) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this Order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the

first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-1 issued by the Atlanta Regional Office on October 31, and effective November 9th, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for fluid whole milk in the locality of Fitzgerald, Ben Hill County, Georgia, as follows:

	Quart	Pint
	Cents	*Cents*
Wholesale	12	7
Retail	14	8

Copy of said order may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of fluid whole milk at wholesale or retail pursuant to this order shall post a copy of this order at a conspicuous place in his place of business, and shall make such order available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order shall become effective November 9th, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 31st day of October 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-12659; Filed, August 4, 1943; 12:00 p. m.]

[Region IV Order G-1 Under SR 15]

FIREWOOD IN RICHLAND, LEXINGTON AND FAIRFIELD COUNTIES, S. C.

Order No. G-1 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Price Order No. 1.)

The Director of the State Office of the Office of Price Administration for the State of South Carolina has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the Counties of Richland, Lexington, and Fairfield, in the State of South Carolina. The State Director has ascertained and given due consideration to the increased costs of production and transportation which sellers of firewood in the Counties of Richland, Lexington, and Fairfield, in the State of South Carolina must incur in order to produce such firewood compared with such costs in March 1942, and in any earlier months in which firewood was generally produced in the three Counties aforesaid. So far as practicable, the Director has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the Counties of Richland, Lexington, and Fairfield, State of South Carolina.

Therefore, under the authority vested in the State Director by Supplementary Regulation Number 15 to the General Maximum Price Regulation, Order No. G-1 is hereby issued.

1. *Maximum prices for firewood.* On and after November 19, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the Counties of Richland, Lexington and Fairfield, State of South Carolina, any firewood covered by this order and no person shall buy or receive in the course of trade or business in the Counties of Richland, Lexington and Fairfield, said State, any firewood covered by this order, at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of firewood, sawed and split into pieces which may vary from twelve to eighteen inches in length, shall be:

1. One cord	$9.00
2. One-half cord	4.75
3. One-fourth cord	2.40

(b) The maximum prices for sales or deliveries of firewood, regardless of length, other than at retail, shall be: $6.00 per cord.

The prices established in this order include delivery at the purchaser's premises and other services incident to the sale of firewood customarily performed by the seller in March 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March 1942, shall be maintained.

2. *Definitions.* When used in this order the term:

(a) "Firewood" means any wood, other than kindling, prepared and intended for consumption as fuel.

(b) "A cord". A cord shall contain 128 cubic feet of wood.

(c) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

3. *Records and reports.* (a) Every seller at retail whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(b) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of firewood made by him on and after the effective date of this order. Such record must show the date of delivery, the kind and quantity of wood sold, the name of the purchaser and the amount charged for the sale.

(c) Every seller at retail whose maximum prices are established by this order shall deliver to the purchaser with respect to each sale a written bill or invoice which shall contain (1) the date on which the sale or contract of sale was made; (2) a description of the size, kind, quality and quantity of firewood involved in the transaction; (3) the price charged; and (4) the following statement:

By Order No. G-1 issued by the South Carolina Office on November 19, 1942 and effective November 19, 1942, the Office of Price Administration established maximum prices for firewood in the Counties of Richland, Lexington, and Fairfield, South Carolina, at $9.00 per cord, $4.75 per half cord, and $2.40 per one-fourth cord, when sold at retail, and sawed and split into pieces which may vary from twelve to eighteen inches in length, and maximum prices for sales or deliveries of firewood, other than at retail, at $6.00 per cord. Copy of said order may be inspected at the place of business of the above named seller.

4. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments and supplementary regulations that have been heretofore or may be hereafter issued.

5. *Effective date.* This order shall become effective November 19, 1942.

This order may be revoked or amended by the State Director of the Office of Price Administration for the State of South Carolina at any time.

Issued this 19th day of November 1942.

JAMES C. DERIEUX,
State Director.

NOVEMBER 19, 1942.

[F. R. Doc. 43-12654; Filed, August 4, 1943; 11:58 a. m.]

[Region IV Order G-2 Under SR 15]

FIREWOOD IN BEAUFORT COUNTY, S. C.

Order No. G-2 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Price Order No. 2.)

The Director of the State Office of the Office of Price Administration for the State of South Carolina has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the County of Beaufort, in the State of South Carolina. The State Director has ascertained and given due consideration to the increased costs of production and transportation which sellers of firewood in this County and State must incur in order to produce such firewood compared with such costs in March, 1942, and in any earlier

months in which firewood was generally produced in the County aforesaid. So far as practicable, the Director has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the County of Beaufort, State of South Carolina.

Therefore, under the authority vested in the State Director of Supplementary Regulation Number 15 to the General Maximum Price Regulation, Order No. G–2 is hereby issued.

1. *Maximum prices for firewood.* On and after December 17, 1942, regardless of any contract or obligation, no person shall sell or deliver in the County of Beaufort, State of South Carolina, any firewood covered by this order and no person shall buy or receive, in the course of trade or business in the County of Beaufort, said State, any firewood covered by this order, at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of pine and oak firewood, sawed or cut into lengths which may vary from twelve to eighteen inches in length, shall be:

SALES AT RETAIL

[Lengths varying from twelve to eighteen inches]

	Oak		Pine	
	Split	Unsplit	Split	Unsplit
One cord	$9.50	$8.00	$9.00	$7.50
One-half cord	5.25	4.25	4.75	3.75
One-third cord	3.25	2.75	3.00	2.50
One-sixth cord	2.00	1.50	1.75	1.25

SALES OTHER THAN AT RETAIL

[Regardless of length]

	Oak	*Pine*
One cord	$6.00	$5.50

and that suppliers of such firewood are devoting their efforts and productive capacities to other purposes, and that the retailers of cordwood find it impossible to meet the demand for fuelwood in the area referred to.

It is the intent of this order to relieve the shortage by encouraging the production and distribution of firewood at prices designed to be equitable both to sellers and purchasers.

This order is effective December 17, 1942.

Dated December 17, 1942.

JAMES C. DERIEUX,
State Director.

[F. R. Doc. 43–12655; Filed, August 4, 1943; 11:58 a. m.]

[Region IV Order G–4 Under 18 (c)]

FLUID MILK IN BRADLEY COUNTY, TENN.

Order No. G–4 under § 1499.18 (c), as amended of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Bradley County, Tenn. (Formerly Price Order No. 18 (c)–4.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of Grade A raw milk, both at wholesale and at retail, exists in Bradley County, Tennessee. The Regional Administrator has further found that a supply of Grade A raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Bradley County, Tennessee, will be eliminated by adjusting the maximum prices of sellers of Grade A raw milk in Bradley County, Tennessee, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for grade A raw milk.* On and after December 14, 1942, the maximum price for Grade A raw milk in glass and paper containers sold and delivered within the boundaries of Bradley County, Tennessee, by any person at wholesale shall be 11¢ per quart, 6¢ per pint, and 3½¢ per half-pint when sold in glass containers, and 13¢ per quart, and 7¢ per pint when sold in paper containers; and the maximum price for Grade A raw milk in glass and paper containers sold and delivered within the boundaries of Bradley County, Tennessee, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 13¢ per quart, 7¢ per pint, and 5¢ per half-pint when sold in glass containers, and 15¢ per quart and 8¢ per pint when sold in paper containers.

II. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this Order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G–3 issued by the Atlanta Regional Office on December 7, and effective December 14, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A raw milk within the boundaries of Bradley County, Tennessee, as follows:

	Wholesale	Out of retail store	Retail home delivered
GLASS	*Cents*	*Cents*	*Cents*
Quarts	11	13	13
Pints	6	7	7
Half-Pints	3½	5	5
PAPER			
Quarts	13	15	15
Pints	7	8	8

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of grade A raw milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

III. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

IV. *Effective date.* This order No. G–4 shall become effective December 14, 1942.

This order No. G–4 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12660; Filed, August 4, 1943; 12:01 p. m.]

[Region IV Order G–5 Under 18 (c)]

FLUID MILK IN STEPHENS COUNTY, GA.

Order No. G–5 (formerly Price Order No. 18 (c)–6) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Stephens County, Georgia.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, exists in Stephens County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the existing shortage in Stephens County, Georgia will be eliminated by adjusting the maximum prices of sellers of fluid milk in Stephens County to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by

§ 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for Grade A raw and pasteurized milk.* On and after December 30, 1942, the maximum price for Grade A Raw and Pasteurized milk sold and delivered in Stephens County, Georgia by any person at wholesale shall be 14¢ per quart, 8¢ per pint and 4¢ per half-pint; and the maximum price for Grade A Raw and Pasteurized milk sold and delivered in Stephens County, Georgia by any person at retail (including sales to the War Department or the Department of the Navy of the United States) other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint; *Provided, however*, That the maximum price for Grade A Raw and Pasteurized milk sold and delivered in Stephens County, Georgia by any person at wholesale to a Post Exchange shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint.

II. *Definitions.* (1) "Stephens County, Georgia" shall mean the area included within the established boundaries of such county.

(2) "Grade A raw milk" shall mean liquid Grade A raw milk in quart, pint and half-pint glass containers.

(3) "Grade A pasteurized milk" shall mean liquid Grade A pasteurized milk in quart, pint and half-pint glass containers.

(4) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-5, issued by the Atlanta Regional Office on December 22, 1942 and effective December 30, 1942, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for grade A raw and pasteurized milk within the boundaries of Stephens County, Georgia, as follows:

Grade A raw and pasteurized	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Wholesale	14	8	4
Sales to Post Exchanges	16	9	5
Retail from store	16	9	5
Retail home delivered	16	9	5
Sales to Army and Navy	16	9	5

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of Grade A raw and pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G-5 shall become effective December 30, 1942.

This order No. G-5 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-12661; Filed, August 4, 1943; 12:01 p. m.]

[Region IV Order G-9 Under 18 (c)]

FLUID MILK IN FULTON AND DE KALB COUNTIES, GA.

Order No. G-9 under § 1499.18 (c), as amended, of General Maximum Price Regulation. Adjustment of certain fluid milk prices for Fulton and De Kalb Counties, Georgia. (Formerly Price Order No. 18 (c)-10.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in Fulton and De Kalb Counties, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the threatened shortage in Fulton and De Kalb Counties, Georgia will be eliminated by adjusting the maximum prices of sellers of fluid milk in Fulton and De Kalb Counties, Georgia to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk, premium milk, chocolate milk and butter milk.* On and after January 1, 1943 the maximum price for raw and pasteurized fluid milk in glass and paper containers sold and delivered within the boundaries of Fulton and DeKalb Counties, Georgia by any person at wholesale shall be 15¢ per quart, 8¢ per pint and 4¢ per half-pint when sold in glass containers and 16¢ per quart, 9¢ per pint and 5¢ per half-pint when sold in paper containers; and the maximum price for raw and pasteurized fluid milk in glass and paper containers sold and delivered within the boundaries of Fulton and DeKalb Counties, Georgia by any person at retail, other than a person selling milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises, shall be 17¢ per quart, 9¢ per pint and 5¢ per half-pint when sold in glass containers and 18¢ per quart, 10¢ per pint and 6¢ per half-pint when sold in paper containers: *Provided*, That the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or butter milk shall be a price reflecting the same differential in terms of cents between such product and standard whole mile (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under General Maximum Price Regulation.

II. *Definitions.* (1) "Fulton and DeKalb Counties, Georgia" shall mean the area included within the established boundaries of such counties.

(2 "Raw and pasteurized fluid milk" shall mean liquid milk containing no less than 3.5% butter fat content in half-pint, pint and quart glass and paper containers but shall not include premium milk, chocolate milk or butter milk.

(3) "Premium milk" shall mean certified milk, vitamin D milk and Golden Guernsey milk.

(4) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail within five days after the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-9, issued by the Atlanta Regional Office on December 31, 1942 and effective January 1, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for raw and pasteurized fluid milk within the boundaries of Fulton and DeKalb Counties, Georgia, as follows:

	Wholesale	Out of retail store	Retail home delivered
CLASS	*Cents*	*Cents*	*Cents*
Quarts	15	17	17
Pints	8	9	9
Half-pints	4	5	5
PAPER			
Quarts	16	18	18
Pints	9	10	10
Half-pints	5	6	6

This order contains the following proviso—the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or butter milk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under General Maximum Price Regulation. The order defines premium milk to mean certified milk, vitamin D milk and Golden Guernsey milk.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of raw and pasteurized fluid milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–9 shall become effective January 1, 1943.

This order No. G–9 may be revoked or amended by the Regional Administrator at any time.

(Pub. Law 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12662; Filed, August 4, 1943; 12:01 p. m.]

[Region IV Order G–13 Under 18 (c)]

FLUID MILK IN COBB COUNTY, GA.

Order No. G–13 under § 1499.18 (c), as amended of General Maximum Price Regulation. Adjustment of certain fluid milk prices for Cobb County, Georgia. (Formerly Price Order No. 18 (c)–15.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in Cobb County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the threatened shortage in Cobb County, Georgia will be eliminated by adjusting the maximum prices of sellers of fluid milk in Cobb County, Georgia to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for raw and pasteurized whole milk.* On and after the 21st day of January, 1943, the maximum prices for whole milk, raw and pasteurized, sold and delivered in quarts, pints and half pints in glass containers within the boundaries of Cobb County, Georgia, by any person at wholesale or retail shall be either the prices set forth in subsection (a) or subsection (b) whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this Order established such maximum price), or

(b) Glass containers:

	Wholesale	Retail	
		Home	Store
	Cents	*Cents*	*Cents*
Quarts	14	10	16
Pints	8	9	9
Half pints	4	5	5

Provided that milk in paper containers may be sold at 1¢ above the price for the corresponding container size for glass set forth in the schedule of prices heretofore listed in this subsection, and provided that the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or buttermilk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized) in containers of the same size and type, as existed under prices established by such seller under the General Maximum Price Regulation.

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises, such sales remaining subject in all respects to the provisions of the General Maximum Price Regulation.

II. *Definitions.* (a) "Cobb County, Georgia," shall mean the area included within the established boundaries of such county.

(b) "Raw and pasteurized fluid milk" shall mean liquid milk containing no less than 3.5 per cent butterfat content in half-pint, pint and quart glass and paper containers but shall not include premium milk, chocolate milk or buttermilk.

(c) "Premium milk" shall mean certified milk, vitamin D milk and Golden Guernsey milk.

(d) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale," shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (a) All persons making sales at retail and all persons making sales at wholesale pursuant to this order except persons making retail sales from a retail store, shall in writing notify each purchaser of the maximum price established by this order within five days after the first delivery of such product to such purchaser after the effective date hereof.

(b) The written notification required in subparagraph III (a) shall contain the following statement:

By Order No. G–13 issued by the Atlanta Regional Office on January 19, 1943, and effective January 21, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for whole milk, raw and pasteurized, within the boundaries of Cobb County, Georgia, as follows:

On and after January 21, 1943, the maximum price for whole milk, raw and pasteurized, sold and delivered in quarts, pints, and half pints in glass containers within the boundaries of Cobb County, Georgia, by any person at wholesale or retail shall be either the prices set forth in subsection (a) or subsection (b), whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) Glass Containers:

	Wholesale	Retail	
		Home	Store
	Cents	*Cents*	*Cents*
Quarts	14	16	16
Pints	8	9	9
Half-pints	4	5	5

Provided that milk in paper containers may be sold at 1¢ above the price for the corresponding container size for glass set forth in the schedule of prices heretofore listed in this subsection, and provided that the maximum price of any seller for any specific kind, grade, quality or quantity of premium milk, chocolate milk or buttermilk shall be a price reflecting the same differential in terms of cents between such product and standard whole milk (raw or pasteurized), in containers of the same size and type, as existed under prices established by such seller under the General Maximum Price Regulation.

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises, such sales remaining subject in all respects to the provisions of the General Maximum Price Regulation.

Copy of this order and the accompanying opinion may be inspected at the place of business of the seller.

(c) Every person making sales and deliveries of whole milk, raw and pasteurized, at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business,

and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–13 shall become effective the 21st day of January, 1943.

This order No. G–13 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of January 1943.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12663; Filed, August 4, 1943; 12:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–512]

HOLLY OIL COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of August, A. D. 1943.

In the matter of Holly Oil Company—Capital Stock, $1 Par Value.

The Holly Oil Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its capital stock, $1 par value from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, September 7, 1943, at the office of the Securities and Exchange Commission, 444 Seventeenth Street, Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John L. Geraghty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12665; Filed, August 4, 1943; 12:22 p. m.]

[File Nos. 59–11, 59–17, 54–25]

THE UNITED LIGHT AND POWER COMPANY, ET AL.

NOTICE OF FILING OF SUPPLEMENTAL APPLICATION

In the matter of the United Light and Power Company, Continental Gas & Electric Corporation, and Eastern Kansas Utilities, Inc., et al.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of August 1943.

Notice is hereby given that an application has been filed with this Commission by Eastern Kansas Utilities, Inc., a subsidiary of Continental Gas & Electric Corporation, a registered holding company; the said application being designated as a supplemental application to Application No. 9; and

Notice is further given that any interested person may not later than August 17, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time, thereafter, such application as filed or as amended may be granted by an appropriate order of the Commission. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to the said application which is on file in the office of the said Commission for a statement of the subject matter which is summarized below:

The Eastern Kansas Utilities, Inc., was permitted to acquire electric utility assets and certain non-utility assets by order of the Commission dated July 16, 1942, which order under the provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935 required that the non-utility assets be divested within one year from the date of the order. The application requests an extension until July 16, 1944 of the time for compliance with that divestment order on the ground that the applicant has been unable in the exercise of due diligence to comply therewith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43–12666; Filed, August 4, 1943; 12:22 p. m.]

[File No. 70–766]

THE LITCHFIELD ELECTRIC LIGHT AND POWER COMPANY AND NY PA NJ UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by NY PA NJ Utilities Company, a registered holding company, and its wholly-controlled subsidiary, The Litchfield Electric Light and Power Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

NY PA NJ Utilities Company proposes to sell all of its securities of The Litchfield Electric Light and Power Company, consisting of the entire outstanding issue of 2500 shares of common stock (with no par value), to The Connecticut Light and Power Company, a non-affiliate, for a base cash consideration of $485,000.

NY PA NJ Utilities Company also proposes to acquire from The Litchfield Electric Light and Power Company all of the latter's holdings of 280 shares of common stock of Atlantic Utility Service Corporation, paying therefor a cash consideration of $3,710, and, in consideration for the receipt from said subsidiary of the sum of $1,321.29, to indemnify the latter against any and all claims which may be asserted against it by Atlantic Utility Service Corporation.

NY PA NJ Utilities Company also proposes to pay The Litchfield Electric Light and Power Company the further sum of $1,143.87, in consideration for an assignment of certain claims, at the same time indemnifying it against counter-claims. Certain other payments, indemnifications and adjustments between the applicants-declarants are also proposed.

The said application-declaration contains a request that the Commission enter an order reciting in substance that the proposed sale and transfer of common stock by NY PA NJ Utilities Company is necessary and appropriate to effectuate the provisions of section 11 (b) of the Act; and

The applicants-declarants have designated sections 9 (a), 10, 12 (a), 12 (d), and 12 (f) of the Act, and Rules U-43, U-44, and U-45 promulgated thereunder, as applicable to the filing.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules of the Commission thereunder be held on August 16, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commis-

sion, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the various considerations for the proposed transactions are fair and reasonable;

3. The propriety of the proposed accounting treatment of each of the proposed transactions on the books of the applicants-declarants;

4. Whether the proposed acquisition by NY PA NJ Utilities Company of the common stock of Atlantic Utility Service Corporation complies with the provisions of sections 9 and 10 of the Act, and specifically whether it is detrimental to the carrying out of the provisions of section 11 of the Act;

5. Whether the proposed sale of the common stock by NY PA NJ Utilities Company is necessary and appropriate to effectuate the provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935;

6 Whether, in all respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder;

7. Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in regard to any of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12664; Filed, August 4, 1943; 12:22 p. m.]

[File No. 70-759]

THE UNITED GAS IMPROVEMENT CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August 1943.

In the matter of The United Gas Improvement Company, Delaware Power & Light Company, Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia.

Notice is hereby given that an application, and an amendment thereto, have been filed pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company, a registered holding company, and Delaware Power & Light Company, Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia, subsidiaries of a registered holding company;

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

There are presently pending before the Commission applications and declarations with respect to the proposed acquisition by The United Gas Improvement Company of all the outstanding common stock of Eastern Shore Public Service Company (Delaware), which company owns all the outstanding capital stock of The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia. Subject to and following the said acquisition, it is proposed that:

(1) Delaware Power & Light Company, a subsidiary of The United Gas Improvement Company, and Eastern Shore Public Service Company (Delaware) be merged and consolidated into one Delaware company.

(2) The Maryland Light and Power Company will be merged into The Eastern Shore Public Service Company of Maryland.

(3) Prior to or coincident with the proposed mergers, the following refinancing are proposed:

(a) Delaware Power & Light Company will redeem:

$3,400,000 principal amount of First Mortgage Bonds, 4¼% Series due January 1, 1969, callable at 100% of the principal amount and accrued interest;

$3,100,000 principal amount of First Mortgage Bonds, 4½% Series, due January 1, 1969, callable at 102% of the principal amount and accrued interest;

$6,000,000 principal amount of First Mortgage Bonds 4½% Series due July 1, 1971, callable at 102% (present price) of the principal amount and accrued interest.

(b) Eastern Shore Public Service Company (Delaware) will retire or redeem:

$4,800,000 principal amount of First Mortgage and First Lien Twenty-year 5½% Bonds, Series A, due September 1, 1947, callable at 101% (price effective September 1, 1943) of the principal amount;

$2,250,000 principal amount of First Mortgage and First Lien Twenty-five Year 5% Bonds, Series B, due September 1, 1955, callable at 102% (price effective September 1, 1943) of the principal amount;

$200,000 face amount 3% note payable to The Chase National Bank of the City of New York due May 20, 1944, payable at any time at the face amount, secured by the pledge of $900,000 principal amount of First Mortgage and First Lien 5% Bonds, Series C, due September 1, 1946 of Eastern Shore Public Service Company (Delaware), which bonds are to be cancelled;

20,177 shares of $6 Series, no par preferred stock, at $106 per share plus accrued dividends;

14,538$\frac{9}{13}$ shares of $6.50 Series, no par preferred stock, at $106.50 per share, plus accrued dividends.

(c) The new combined Delaware Power & Light-Eastern Shore Public Service Company (Delaware) will sell:

$15,000,000 principal amount of 30-year 3% First Mortgage and Collateral Trust Bonds to net the said combined Company not less than the principal amount and accrued interest, secured by an open-end mortgage on the properties and franchises of the said combined Company, and by the pledge of the outstanding securities of the subsidiaries of said combined Company;

$4,000,000 par value of Preferred Stock ($100 par) to be sold to net the said combined Company not less than par, plus accrued dividends, and with a dividend rate not to exceed 4.4%;

1,162,600 shares of $13.50 par value Common Stock ($15,695,100) to be sold to The United Gas Improvement Company in consideration of the payment by The United Gas Improvement Company of its holdings of the outstanding Common Stock of Delaware Power & Light Company and Eastern Shore Public Service Company (Delaware) and $6,287,063.50 cash.

(d) Maryland Light and Power Company will redeem its publicly-held long-term debt, consisting of $1,089,000 principal amount of First Mortgage First Lien Bonds, Series A, 5½%, due January 1, 1950, callable at 102% (present price) of the principal amount and accrued interest.

(e) The Eastern Shore Public Service Company of Maryland will retire the $3,592,500 principal amount of First Mortgage Bonds, 4% Series due 1969 issued under its present indenture, dated September 1, 1939, which indenture is to be discharged, and pledged under the mortgage of Eastern Shore Public Service Company (Delaware), which mortgage is also to be discharged.

(f) The new combined Maryland Light and Power-Eastern Shore Public Service Company of Maryland will issue 37,600 shares of no par capital stock (stated value $3,760,000) and $3,760,000 of 30-year 4% Notes, all of which securities will be owned by the new combined Delaware Power & Light-Eastern Shore Public Service Company (Delaware), and pledged under its new mortgage.

(g) Eastern Shore Public Service Company of Virginia will retire its outstanding debt aggregating $1,403,319.91, including the $1,372,500 principal amount of its First Mortgage Bonds, 4% Series due 1969, issued under its present indenture, dated September 1, 1939, which is to be discharged, and pledged under the mortgage of Eastern Shore Public Service Company (Delaware), which is also to be discharged, and will issue 7,750 shares of no par value capital stock (stated value $775,000) and $775,000 principal amount of 30-year 4% notes, all of which securities will be owned by the new combined Delaware Power & Light-Eastern Shore Public Service Company (Delaware) and pledged under its new mortgage.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on September 3, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia, Pennsylvania, in such rooms as the hearing room clerk in room 318 will at that time advise. At such hearing cause shall be shown why such application shall be granted. Any person de-

siring to be heard or otherwise participate in the proceedings should file with the Secretary of the Commission, on or before the 28th day of August, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers and in conformity with the applicable provisions of the Act to grant the application.
2. Whether all fees in connection with the proposed transactions are fair and reasonable.
3. Whether and to what extent it is appropriate in the public interest and for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions.
4. Generally, whether the proposed transactions meet the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12712; Filed, Aug. 5, 1943; 9:50 a. m.]

[File Nos. 7-700—7-705]

FARNSWORTH TELEVISION AND RADIO CORP., ET AL.

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August, A. D. 1943.

In the matter of applications by the New York Curb Exchange to extend unlisted trading privileges to:

Farnsworth Television & Radio Corporation, common stock, $1 par value, (File No. 7-700); Lukens Steel Company, common stock, $10 par value (File No. 7-701); Merck & Co., Inc., common stock, $1 par value (File No. 7-702); Northern Natural Gas Company, common stock, $20 par value (File No. 7-703); Public Service Company of Indiana, Inc., common stock, without par value (File No. 7-704); and The Warner & Swasey Company, common stock, without par value (File No. 7-705).

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the abovementioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, September 16, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12708; Filed, August 5, 1943; 9:50 a. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORP.

NOTICE OF FILING SUPPLEMENTAL APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of August 1943.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Public Service Corporation.

All interested persons are referred to said application, which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

United Public Service Corporation proposes to sell its 148,055 shares of Class B Common Stock of United Public Utilities Corporation to Wilbur W. Thompson who offers to buy said shares of stock for the sum of $16,000 clear of fees or commissions less transfer taxes estimated at approximately $105.

The application states that said shares of stock are the sole remaining asset of United Public Service Corporation other than cash and receivables; that said Wilbur W. Thompson is the president of Commercial National Bank of Iron Mountain, Iron Mountain, Michigan; that he is not a holding company, or a subsidiary or an affiliate or associate of any registered holding company as defined in the Act; that it is his intention to hold said shares for investment and public distribution is not contemplated; and that the proposed price of $16,000 is the best price obtainable at the present time.

The application further states that it is filed in accordance with the Commission's orders of December 30, 1941, January 23, 1942 and November 30, 1942 issued in the above entitled matter providing that sales or distributions of the remaining assets of United Public Service Corporation should not be made, except upon further order of the Commission.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters and that the application shall not be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on August 25, 1943 at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time advise.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by the application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is in the public interest and the interest of investors and consumers to grant the application.
2. Whether and to what extent, if any, it is appropriate in the public interest or for the protection of investors and consumers that terms and conditions be imposed with respect to the proposed transactions.
3. Whether the proposed transactions meet the appropriate provisions of the Act and rules, regulations or orders of the Commission promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12711; Filed, August 5, 1943; 9:50 a. m.]

[File No. 70-765]

CITIES SERVICE POWER AND LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of August 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Cities Service Power & Light Company ("Power &

Light"), a registered holding company. All interested persons are referred to said application or declaration, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Power & Light seeks authority in its discretion to expend (over and above the amounts presently permitted by rules of the Commission) not more than One Million Dollars ($1,000,000) in the purchase in the open market of shares of its outstanding 5½% Debentures during the 12-month period next following the date of the Commission's Order on the declaration. The purchases are to be made through brokers or dealers, on securities exchanges or in the over-the-counter market or at private sales not solicited by Power & Light and at prices not exceeding the current offering price on the New York Curb Exchange at the time of such purchase. No fees or commissions are to be paid in connection with such purchases except the usual brokers' or dealers' commissions and Power & Light does not anticipate any additional expenses in any significant amount in connection therewith.

As of July 18, 1943, Power & Light's cash position was $5,076,000, and the amount of its outstanding 5½% Debentures segregated between that held by Cities Service Company (a registered holding company and the parent company of Power & Light) and by others was as follows:

Title of issue	Held by parent	Held by others	Total outstanding
6½% Debentures due 1949	$1,914,000	$13,044,000	$14,958,000
5½% Debentures due 1952	2,289,000	29,468,000	31,755,000
	$4,203,000	$42,510,000	$46,713,000

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration should not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing be held upon said matters on the 18th day of August, 1943, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration should be permitted to become effective.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearings. The officer so designated to preside at said hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether, pursuant to section 12 (c) of said Act, an order refusing to permit said declaration to become effective is necessary or appropriate to protect the financial integrity of Cities Service Power & Light Company and its subsidiary companies, to safeguard the working capital of the public-utility companies in the holding-company system of Cities Service Power & Light Company, or to prevent the circumvention of any provisions of said Act or of any rules, regulations or orders thereunder.

(2) Whether any terms or conditions with respect to the proposed acquisition by Cities Service Power & Light Company of its outstanding Debentures are necessary or appropriate to protect the financial integrity of Cities Service Power & Light Company and its subsidiary companies, to safeguard the working capital of the public-utility companies in the holding-company system of Cities Service Power & Light Company, or to prevent the circumvention of any provisions of said Act or of any rules, regulations or orders thereunder.

It is further ordered, That the Secretary of the Commission shall give notice of said hearing by mailing a copy of this order to Cities Service Power & Light Company, and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission, on or before August 13, 1943, an appropriate request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commmission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12713; Filed, August 5, 1943; 9:50 a. m.]

[File No. 59-28]

ENGINEERS PUBLIC SERVICE COMPANY, ET AL.

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of August 1943.

In the matter of Engineers Public Service Company, The Western Public Service Company, a Maryland corporation, Missouri Service Company, and The Northern Kansas Power Company, Respondents.

The Commission having on the 23rd day of July, 1941, instituted proceedings pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed to Engineers Public Service Company, a registered holding company, The Western Public Service Company, a Maryland corporation, likewise a registered holding company and a subsidiary company of said Engineers Public Service Company, Missouri Service Company and The Northern Kansas Power Company, the two companies last named being direct subsidiaries of said The Western Public Service Company, for the purpose of determining what steps should then or thereafter be required to be taken by The Western Public Service Company and its subsidiary companies in order to comply with the provisions of section 11 (b) (2) of said Act; and

Said The Western Public Service Company, having thereafter redeemed at their respective call prices all of its publicly-held securities and having disposed of all of its assets (see Holding Company Act Releases Nos. 3230 and 3245, December 29, 1941); and

Said The Western Public Service Company, having been liquidated and dissolved, and the Commission by its order of January 19, 1942, having found that the said company had ceased to be a holding company and that the registration of said company had ceased to be in effect (see Holding Company Act Release No. 3282, January 19, 1942); and

It appearing to the Commission that the issues raised by its order of July 23, 1941 have become moot and that it is in the public interest and in the interest of investors and consumers that said proceedings should be dismissed:

It is ordered, That said proceedings be and the same are hereby dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12710; Filed, August 5, 1943; 9:51 a. m.]

[File Nos. 31-130 and 30-203]

STANDARD OIL CO. AND CONSOLIDATED NATURAL GAS CO.

ORDER EXTENDING EFFECTIVE DATE OF ORDER DENYING EXEMPTION AND EXTENDING TIME WITHIN WHICH TO FILE FORM

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of August, A. D. 1943.

In the matters of Standard Oil Company (Incorporated in New Jersey), File No. 31-130, and Consolidated Natural Gas Company, File No. 30-203.

The Commission, on February 5, 1942, having issued its Findings, Opinion and Order, denying the application of Standard Oil Company, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for an exemption from the provisions of said Act, but having extended the effective date of said order to August 4, 1942; and

Standard Oil Company having caused Consolidated Natural Gas Company (a) to be organized and file on July 31, 1942, pursuant to section 5 (a) of the Act, a notification of registration as a person purposing to become a holding company, and (b) to file applications and declarations regarding the proposed acquisition from Standard Oil Company of all the voting securities of certain natural gas utility companies concerning which hearings have been held and substantially completed; and

The Commission on August 3, 1942 and on January 20, 1943 having issued its order granting applications of Standard Oil Company for a further extension to

February 4, 1943 and August 4, 1943, respectively, of the effective date of the order of February 5, 1942; and

Standard Oil Company having now requested that the effective date of the Commission's order of February 5, 1942, as extended, be further extended for an additional period of eight days to August 12, 1943 on the grounds that, although it is proceeding diligently in working out a program for the disposition of the securities of the gas utility companies owned by it, the company is of the opinion that it will not be possible to complete its plans by August 4, 1943; and

Consolidated Natural Gas having for similar reasons also requested that the time within which it is required to file its registration statement on Form U5B pursuant to Rule U-1 (b) promulgated under the Act, be extended from August 4, 1943 to September 3, 1943; and

It appearing to the Commission that such requests for further extensions are reasonable and are not detrimental to the public interests or the interests of investors and consumers;

It is hereby ordered, That the effective date of the order of the Commission dated February 5, 1942, denying the application of Standard Oil Company for exemption, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, be, and the same hereby is, extended to August 12, 1943; and

It is further ordered, That the time within which Consolidated Natural Gas Company is required to file its registration statement on Form U5B pursuant to Rule U-1 (b), promulgated under the Public Utility Holding Company Act of 1935, be and the same hereby is, extended to September 3, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12709; Filed, August 5, 1943; 9:51 a. m.]

WAR PRODUCTION BOARD.

[Certificate 105]

PHILADELPHIA MATTRESS MANUFACTURERS ASSOCIATES

APPROVAL OF PRODUCTION PLAN

TO THE ATTORNEY GENERAL:

I submit herewith a plan of the organization, procedure and objectives of the Philadelphia Mattress Manufacturers Associates, a war production association of certain companies located in Philadelphia, Pennsylvania, which has been approved by the Chairman of the Smaller War Plants Corporation. The purpose of the association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements. The activities of the association will relate solely to such production and will terminate within six months after the termination of the war.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve this association; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval as herein expressed is requisite to the prosecution of the war.

Dated: July 31, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-12714; Filed, August 5, 1943; 11:05 a. m.]